TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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KENDALL P. BATES

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431-1019 X208

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ZBA 96-19
Petition of Patrick M. and Darlene D. Browne
11 Cavanagh Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 18, 1996 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 PATRICK M. AND DARLENE D. BROWNE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a two-story addition approximately 18.17 feet by 31 feet, which will have less than the required left and right side yards, at their nonconforming dwelling with less than the required left and right side yards, at 11 CAVANAGH ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 1, 1996, the petitioners 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 Patrick and Darlene Browne. Mr. Browne said that they would like to expand their kitchen, add a family room and a bedroom on the second floor as their family is need of additional space.

The Board noted that the addition is less nonconforming than the existing house.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 11 Cavanagh Road, in a Single Residence District, on an 8,880 square foot lot. The nonconforming dwelling has a minimum front clearance of 29.84 feet, a minimum right side clearance of 14.07 and a minimum left side clearance of 12.99 feet.

The petitioners are requesting a Special Permit/Finding to construct a two-story addition approximately 18.17 feet by 31 feet, which will have a minimum right side yard clearance of 14.13 feet and a minimum left side yard clearance of 18.24 feet.

A Plot Plan dated May 25, 1995, drawn by Verne T. Porter, Jr., Professional Land Surveyor; Floor Plans and Elevations dated May 16, 1995, drawn by David Phillips; and photographs were submitted.

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The Planning Director commented that consideration be given to maintaining the current side setbacks of 17.67 feet and 14.13 feet.

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 finding of this Authority, as unanimously voted at the Public Hearing, that the proposed two-story addition with minimum left and right side yard clearances, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the proposed addition will not intensify the nonconformance, nor will it create additional nonconformities.

Therefore, a Special Permit is granted for the construction of the two-story addition 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 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 THE FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

Kendall P. Bates, Acting Chairman

Sumner H. Babcock

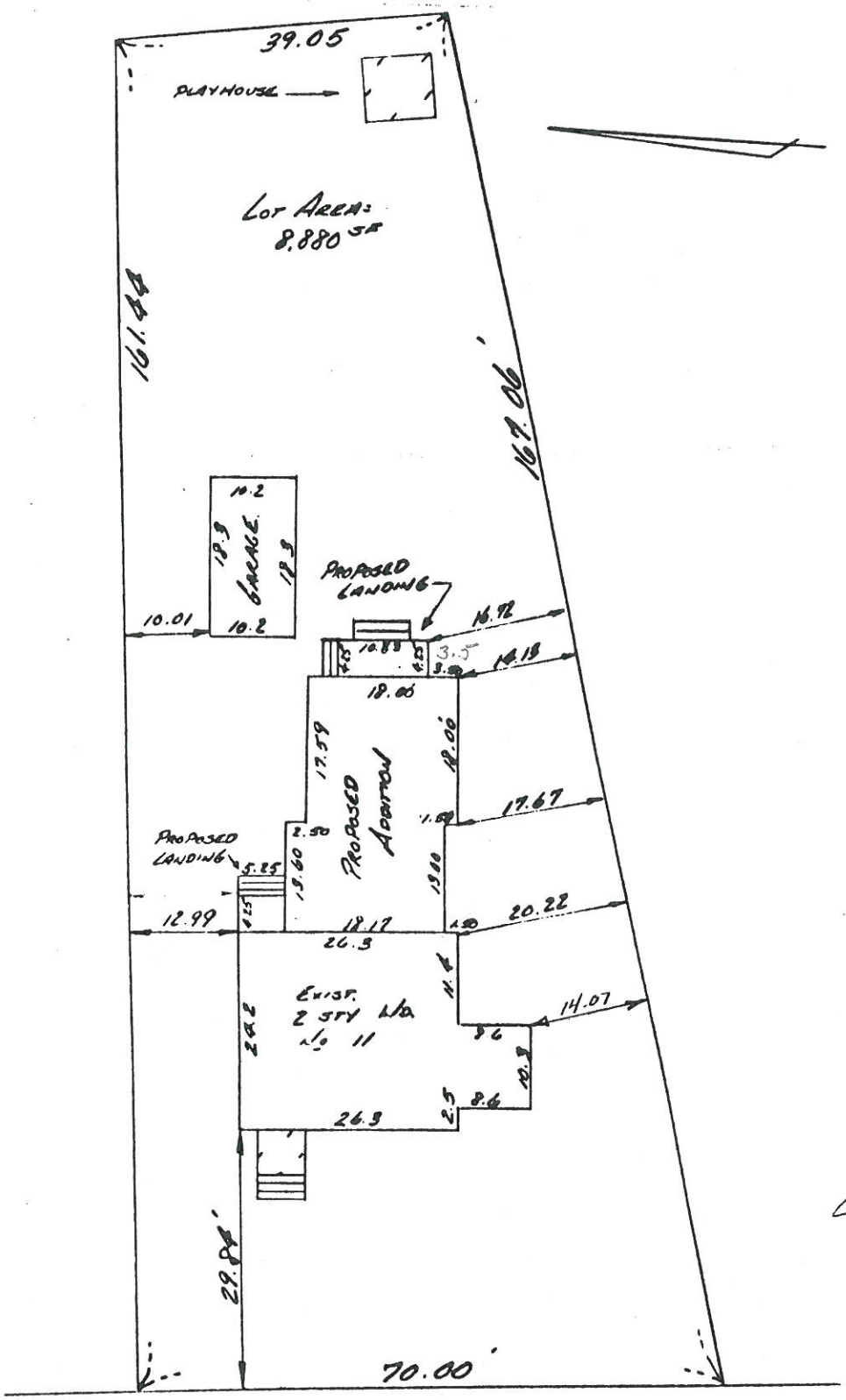
William E. Polletta

cc: Planning Board
Inspector of Buildings
edg

964-7170

10.83

4.25



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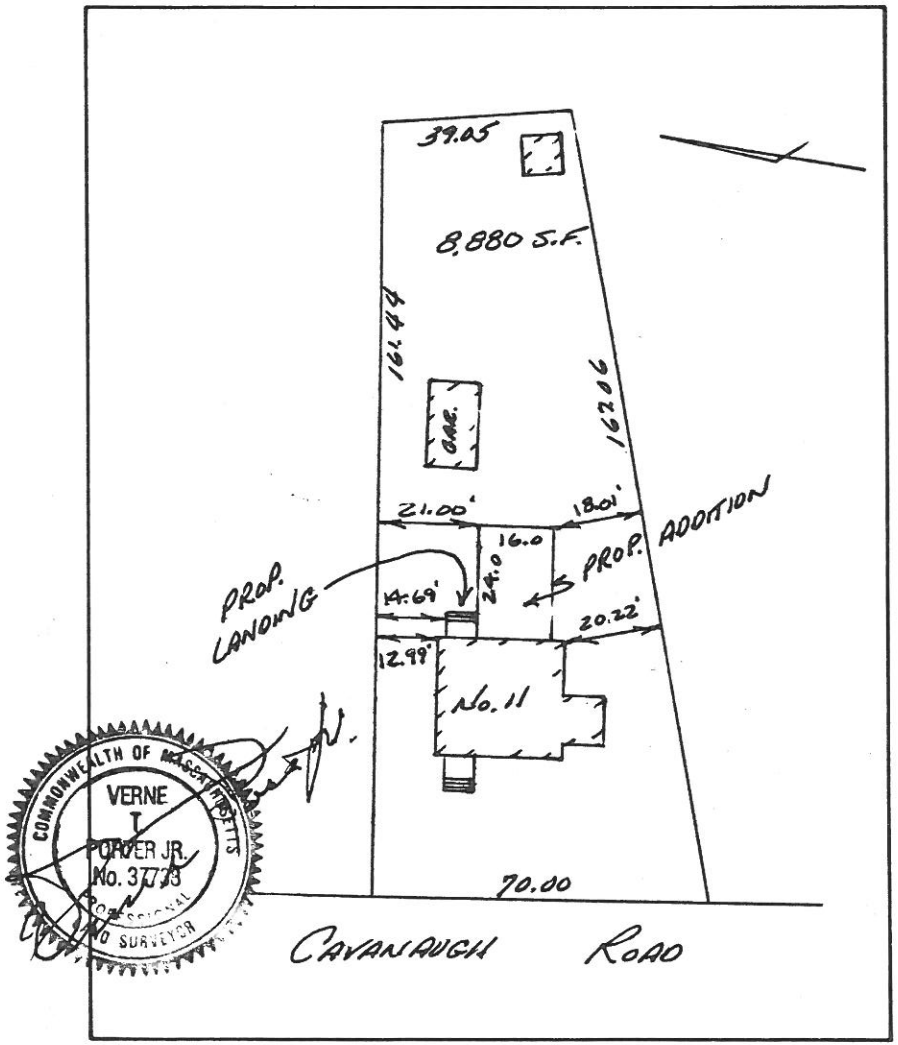
COMMONWEALTH OF MASSACHUSETTS
VERNE T. PORTER JR.
No. 37738
PROFESSIONAL LAND SURVEYOR

CERTIFIED PLOT PLAN
IN
WELLESLEY, MASSACHUSETTS

SCALE : 1" = 20' MAY 25, 1995
VERNE T. PORTER, JR. PLS
154 NEEDHAM ST. SUITE 1 NEWTON, MA

To
ZBA
96-19
Revised plot plan

PROPOSED CONSTRUCTION
CERTIFIED PLOT PLAN



COMMONWEALTH OF MASSACHUSETTS
VERNE T. PORTER JR.
No. 37773
PROFESSIONAL LAND SURVEYOR

8-7-96
Date

VERNE T. PORTER JR.
Reg. Land Surveyor

154 NEEDHAM ST. NEWTON, MA.
Address