TOWN OF WELLESLEY MASSACHUSETTS

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ZONING BOARD OF APPEALS

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KENDALL P. BATES
WILLIAM E. POLLETTA

ELLEN D. GORDON
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208

SUMNER H. BABCOCK
ROBERT A. BASTILLE

ZBA 98-2
Petition of C.John Bernas and Roxanne B. Cartwright
67 Smith Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 29, 1998 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of C. JOHN BERNAS AND ROXANNE B. CARTWRIGHT requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of the existing one story conforming dwelling and construction of a two-story conforming dwelling, approximately 66 feet by 34 feet on an 18,466 square foot lot, with less than the required 75 foot frontage in a 10,000 square foot District, at 67 SMITH STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling.

On January 12, 1998, 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 Jack Bernas and Roxanne Cartwright.

The Board stated that it had a problem with the plans as they do not meet the requirements of the Commonweath, having been stamped by an architect with a Michigan stamp. The plans are not identified as being drawn for 67 Smith Street. Before the plans are submitted to the Building Department, identification should be added.

Mr. Bernas said that the plans had been used for a house which was built recently in Framingham. The Board said it had no problem with the plans themselves; just with the lack of identification. Mr. Bernas said that he would have the identification added.

No other person present had any comment on the petition.

Statement of Facts

The subject conforming property is located at 67 Smith Street, on an 18,466 square foot lot, in a Single Residence District, and has a pre-existing nonconforming frontage of 40.3 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of the existing conforming one-story dwelling and construction of a conforming two-story dwelling on a pre-

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existing nonconforming lot which has a minimum frontage of 40.3 feet, whereas the frontage currently required in a 10,000 square foot district is 75 feet, shall not be substantially more detrimental to the neighborhood than the existing conforming dwelling.

A Plot Plan dated November 24, 1997, drawn by Bruce Bradford, Professional Land Surveyor; undated, nonspecific Floor Plans and Elevations drawn by Irving E. Palmquist, Architect, with a Michigan stamp; and photographs were submitted.

On January 20, 1998, the Planning Board reviewed the petition and had no objection to the granting of the request.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. Although the existing and proposed dwellings conform to the current Zoning Bylaw, the pre-existing nonconforming 40.3 foot lot frontage does not meet the current Zoning Bylaw requirement of 75 feet in a 10,000 square foot district.

It is the finding of this Authority that the demolition of the existing dwelling and construction of the conforming two-story dwelling on a lot with a pre-existing nonconforming minimum frontage will not be substantially more detrimental to the neighborhood than the existing structure, as the new dwelling will conform to all zoning setback requirements and the minimum frontage is grandfathered pursuant to MGL Chapter 40A, Section 6.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to allow demolition of the existing dwelling and construction of a conforming two-story dwelling, 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 construction, upon his receipt and approval of a building application and detailed construction plans.

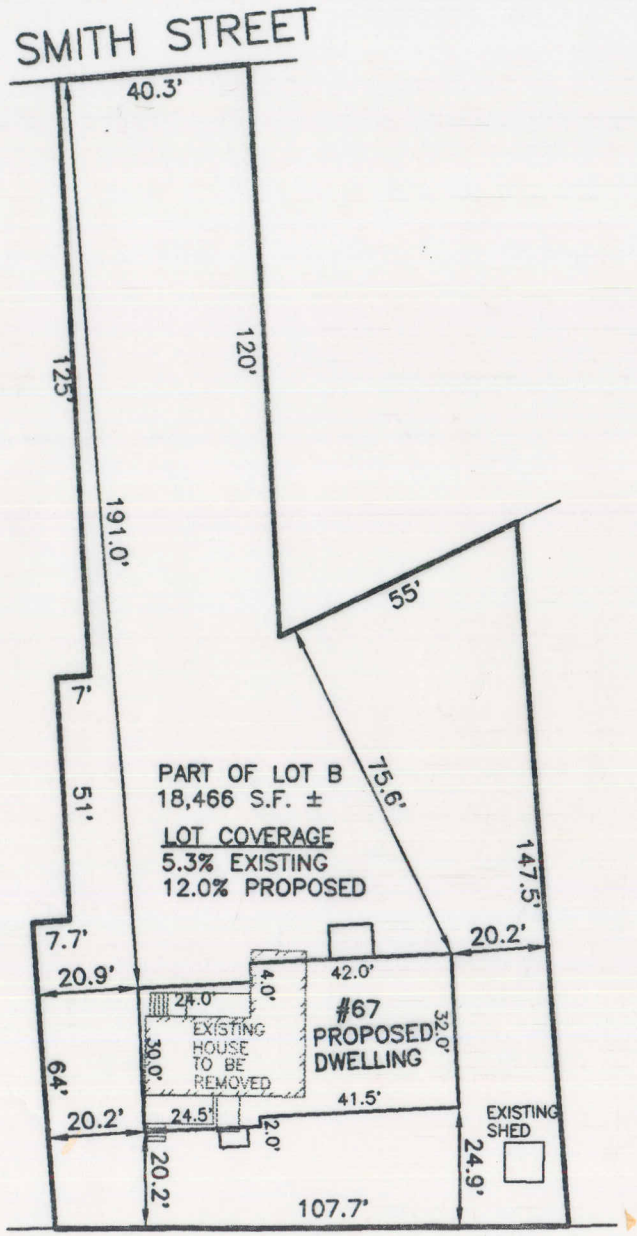
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

John A. Donovan, Jr., Chairman

Kendall P. Bates

William E. Polletta

cc: Planning Board
Inspector of Buildings
edg



PLAN OF LAND IN WELLESLEY, MA

67 SMITH STREET
SHOWING PROPOSED DWELLING

SCALE 1 IN.= 40 FT NOVEMBER 24, 1997

PREPARED BY:
EVERETT M. BROOKS COMPANY
49 LEXINGTON STREET
WEST NEWTON MA 02165
(617) 527-8750

PROJECT NO. 19134

COMMONWEALTH OF MASSACHUSETTS
BRUCE BRADFORD #38376
PROFESSIONAL LAND SURVEYOR
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