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WELLESLEY, MA 02181**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

1998 JUL 10 A 8:24

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ZBA 98-49

Petition of Karen A. Haberly  
24 Paine Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 25, 1998 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 KAREN A. HABERLY 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 11 foot 4 inch by 30 foot 6 inch addition, with less than the required front setback, at her nonconforming dwelling with less than the required front setback, at 24 PAINE STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 8, 1998, 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 Reed Smith, husband of the petitioner, who said that when they purchased the house, they were not aware that their family would expand so rapidly. They need additional kitchen space on the first floor and another bedroom on the second floor. The addition has been moved as far from the street as possible. The existing house is only 11 feet from Paine Street, but the addition will be far less nonconforming than the existing house. The neighbors have no problem with the addition.

The Board commented that the Planning Board had no objection to the petition.

John Sullivan, 20 Paine Street, and Audrey Murphy, 28 Paine Street, expressed support for the petition.

Statement of Facts

The subject dwelling is located at 24 Paine Street, in a Single Residence District, on a 13,209 square foot lot, and has a minimum front yard clearance of 7.7 feet and a minimum left side yard clearance of 19.5 feet.

The petitioner is requesting a Special Permit/Finding that the construction of a two-story 11 foot 4 inch by 30 foot 6 inch addition, with a minimum front yard clearance of 21.26 feet, shall not be substantially more detrimental to the neighborhood than the existing

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nonconforming structure.

A Plot Plan dated May 18, 1998, drawn by Malcolm N. Johnston, Professional Land Surveyor; Floor Plans and Elevations; and photographs were submitted.

On June 23, 1998, the Planning Board reviewed the petition and voted to offer 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. The subject dwelling does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

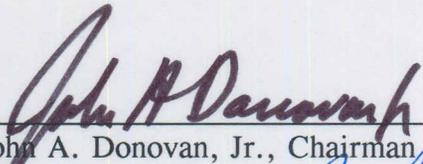
It is the finding of this Authority that the proposed construction will not be substantially more detrimental to the neighborhood than the existing nonconforming structure as it will neither intensify the existing nonconformance, nor will it create additional nonconformance as it will be substantially less nonconforming than the existing structure.

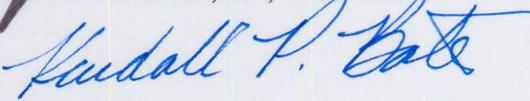
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to construct the two-story addition, subject to construction in accordance with the submitted plot plan and construction drawings.

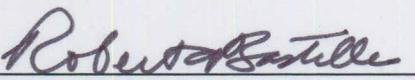
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

cc: Planning Board  
Inspector of Buildings  
edg

  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

  
Robert A. Bastille

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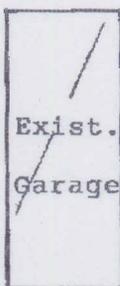
1998 JUN -8 A 11:31

Note:  
Existing sheds, entrances  
and steps to be removed.  
Existing shown as: 31.35'  
Proposed shown as: 22' 3"

LOT 1 AREA 13209 SQ. FT.

EXISTING LOT COVERAGE:  
1553 SQ. FT. = 11.8%

PROPOSED: 2265 S. F.  
= 17.1%



*Malcolm N. Johnston*

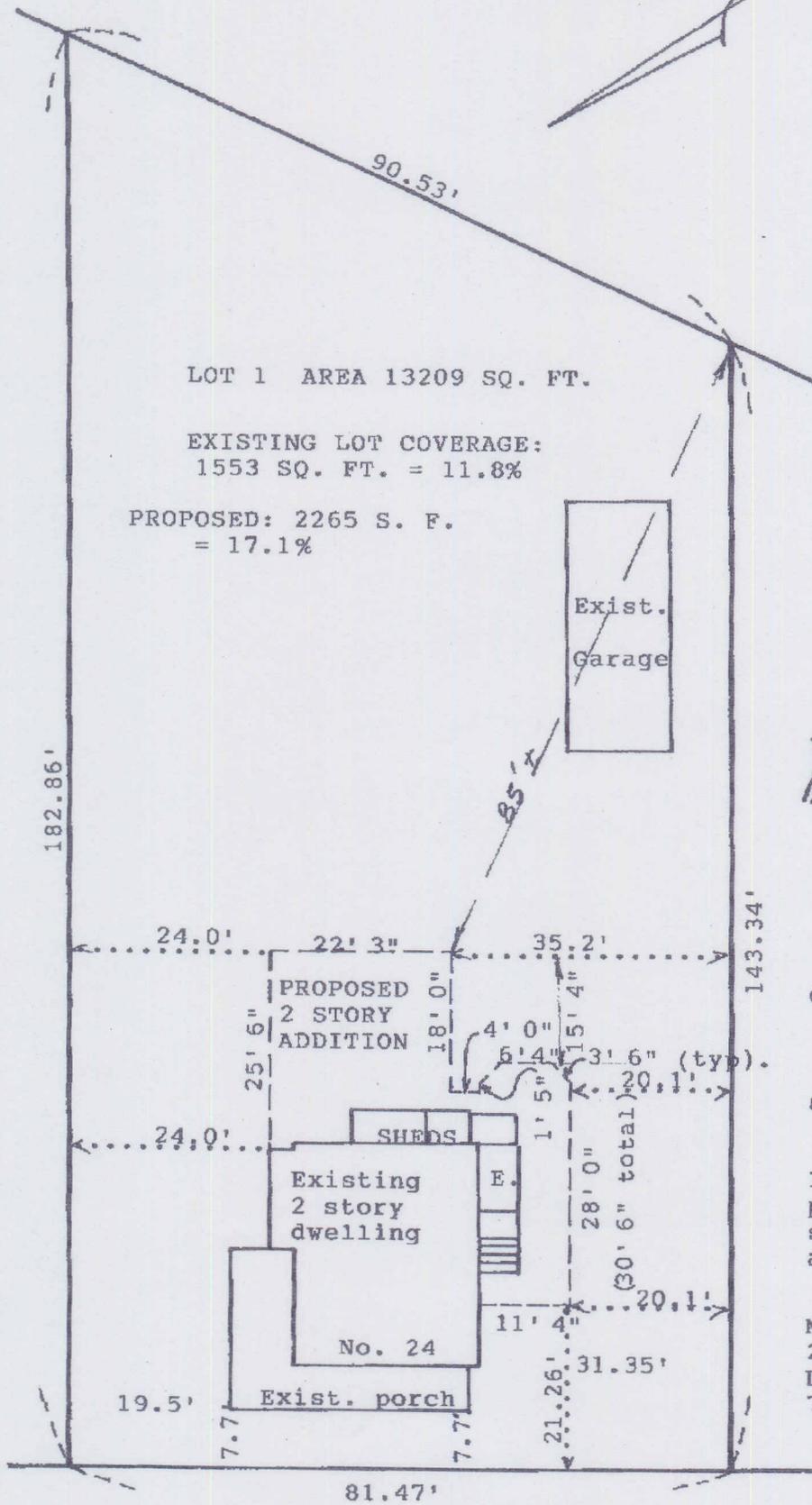
*May 18, 1998*

CERTIFIED PLOT PLAN OF LAND  
IN  
WELLESLEY, MASS.

scale: 1" = 20' May 18, 1998

I certify that this plan is  
prepared from an instrument  
survey and the buildings  
are located as shown.

Malcolm N. Johnston PLS  
298 Central Avenue  
Dedham, Ma. 02026  
781-326-0482



PAINE STREET