

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

1999 NOV -5 A 8:56

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ZBA 99-77

Petition of Chad Callahan and Shelly Clark
36 South River Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 21, 1999 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 CHAD CALLAHAN AND SHELLY CLARK requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following additions to their nonconforming dwelling, with less than the required front and rear yard setbacks, at 36 SOUTH RIVER STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling:

1. Raising the ridge line of the roof between 2 and 10 feet above the entire structure to accommodate a full second story 56.3 foot by 40.2 foot addition with less than the required front and rear yard setbacks. There will be no change in the footprint.
2. Construction of two second story 2 foot by 8 foot dormers with less than the required front setback. There will be no change in the footprint.

On October 4, 1999, 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 was Chad Callahan, who said he had recently purchased the house, which is in disrepair. The house is over 100 years old, but was redesigned in 1971 by an architect who had introduced odd spaces and roof lines. They would like to remove the first floor bedroom and add a bedroom and two baths on the second floor. The property is at the end of a dead end street, and the changes should not be more detrimental to the neighborhood.

The Board noted that there is a slight increase in the percentage of lot coverage, and asked if it was due to the relocation of the entrance. Mr. Callahan said that it was. The foyer will be cantilevered and the entrance will be moved. The rear entrance is 2 ½ feet wide; the new door will be 3-4 feet wide.

The Board commented that the corner of the house is only 7 feet from the Charles River, and asked if there were flooding problems. Mr. Callahan said that the house has never had water because it turns into an island above the water. There are two foundations and sonar tubes. There is a crawl space beneath the foundation. The sonar tubes will probably have to be re-enforced to take the additional load of a second floor. This was addressed at the Wetlands Committee meeting.

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The Board decided that the Order of Conditions issued by the Wetlands Protection Committee would be incorporated into the decision.

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Harry Schaller, 18 Schaller Street, expressed opposition to the petition. He felt that the addition was too large for the neighborhood. Mr. Callahan explained that only the existing footprint, excluding the decks will be covered by the second story addition.

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Mr. Schaller also expressed concern that the environmental load would be increased as there is no sewer connection. Mr. Callahan said he is not increasing the number of bedrooms. He had conferred with Dr. Katz at the Health Department. The septic system is zoned for only two bedrooms. The Board stated that it would add a condition that the number of bedrooms not be increased without permission from the Board of Health.

The Board noted that the Planning Board had no objection to the request.

Statement of Facts

The subject property is located at 36 South River Street, in a Single Residence District, on a 13,000 square foot lot bordering on the Charles River. The dwelling has a minimum front yard clearance of 2.9 feet and a minimum rear yard clearance of 7 feet.

The petitioners are requesting a Special Permit/Finding that raising the roof between 2 and 10 feet above the entire first floor to accommodate a 56.3 foot by 40.2 foot second story addition, with a minimum front yard clearance of 2.9 feet and a minimum rear yard clearance of 7 feet; and construction of two 2 foot by 8 foot dormers with a minimum front yard clearance of 2.9 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

A plot plan dated September 14, 1994, revised October 25, 1994, revised September 28, 1999, drawn by Paul J. Sawtelle, Registered Land Surveyor; Floor Plans and Elevations dated September 27, 1999, drawn by Rockwood Designs; and photographs were submitted.

On October 14, 1999, the Wetlands Protection Committee issued an Order of Conditions (DEP 324-296) for the proposed activities at 36 South River Street.

On October 19, 1999, 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. 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 construction of the full 56.3 foot by 40.2 foot second floor achieved by raising the roof between 2 and 10 feet above the existing nonconforming first floor; and the

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36 South River Street

addition of two 2 foot 8 foot dormers on the second floor, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as there will be no increase in the nonconformity, nor will any new nonconformity be created.

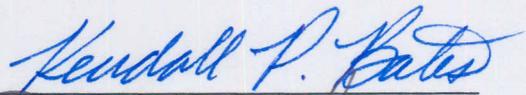
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the second story addition and two dormers subject to construction in accordance with the submitted plot plan and construction drawings, and further subject to the following conditions:

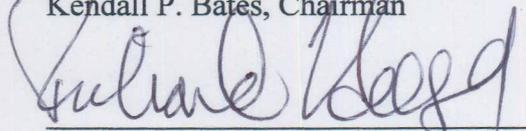
1. All conditions contained in the Order of Conditions (DEP 324-296) issued on October 14, 1999 by the Wetlands Protection Committee are hereby incorporated into this decision.
2. The number of bedrooms shall not be increased over the existing two bedrooms without permission from the Board of Health.

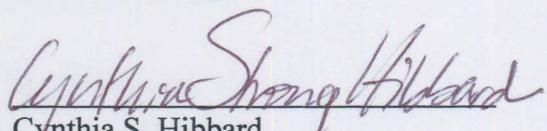
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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
Wetlands Protection Committee
Board of Health
Inspector of Buildings
edg


Kendall P. Bates, Chairman


Richard L. Seegel


Cynthia S. Hibbard

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OWNER:

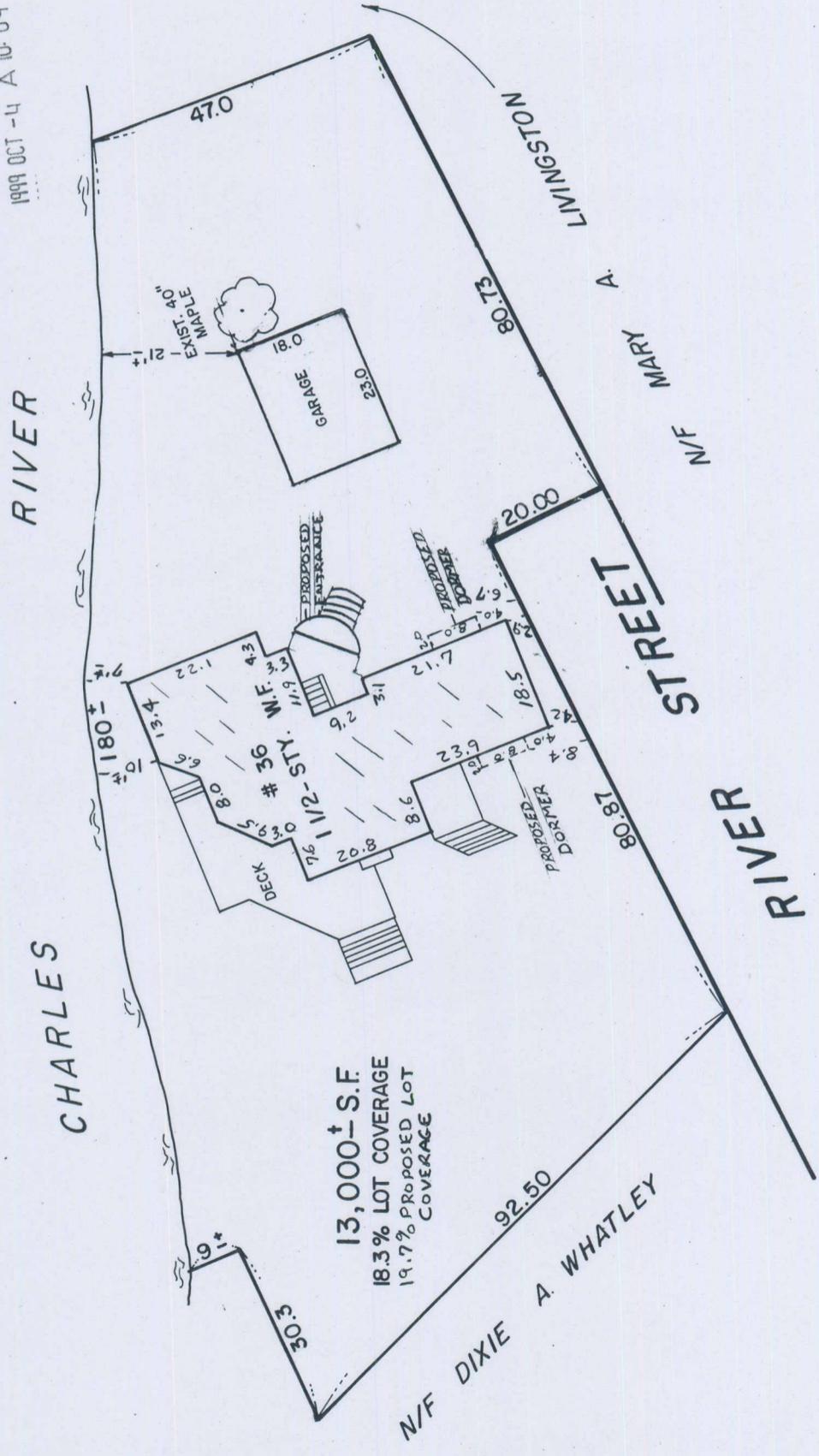
CHAD CALLAHAN
36 RIVER STREET
WELLESLEY, MASS.

ASSESSORS REF:

MAP 178, ROUTE 005

BUILDING ZONE:

SINGLE RESIDENCE
15,000 S.F.



Paul J. Sawtelle

PLAN OF LAND
IN

WELLESLEY, MASS.

SCALE: 1" = 20'
MASS BAY SURVEY, INC.

NOTE - 2ND STORY TO BE BUILT ON
TOP OF EXISTING HOUSE.
2 DORMERS TO BE ADDED AND
NEW ENTRANCE

SEPT 14, 1994
NEWTON, MASS.
REVISED GARAGE OCT. 25, 1994
REVISED ADDITION SEPT. 28, 1999