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ZONING BOARD OF APPEALS

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

2002 SEP 13 A 8:57

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ROBERT A BASTILLE
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ROBERT W. LEVY

ZBA 2002-75

Petition of Benjamin and Wendy Fischman
46 Thackeray Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 29, 2002 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of BENJAMIN AND WENDY FISCHMAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following construction at their nonconforming dwelling with less than the required left and right side yard setbacks, at 46 THACKERAY ROAD, in a 15,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. A one-story 4 foot 4 inch by 20 foot 9.5 foot addition with less than the required left side yard setback.
2. A second story 9 foot 2.5 inch by 14 foot 5 inch addition above the existing nonconforming porch with less than the required right side yard setback. There will be no change in the footprint.
3. A 10.5 foot by 21 foot 9.5 inch addition over the existing nonconforming garage with less than the required left side yard setback. There will be no change in the footprint.

On August 9, 2002, 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 Ben Fischman, who said that since they moved in, they have had twin boys and are expecting a third child. They would like to remain in their home, but need more space. The back yard has a fairly steep slope, which made any addition difficult to design. The proposed design is in keeping with both the neighborhood and the house itself.

Mr. Fischman said that although the existing garage appears to be a two-car garage, they can't park two cars in the space, which is the reason for the one-story addition. The second floor space is to accommodate their expanding family. At the rear of the property is a wetland and a pond, which are located beyond the steep pitch.

The Board noted that the proposed west elevation appears to have a bow in it, and asked if the drainage would be natural or would require a land drain. Brad Edderly, project architect, said there is about a 10 foot drop at the rear of the house. Everything from the front to the back of the house pours straight down hill to the wetland area.

The Board commented that the Planning Board had no objection.

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No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 46 Thackeray Road, in a 15,000 square foot Single Residence District, on a 19,594 square foot lot, and has a minimum right side yard clearance of 10.54 feet and a minimum left side yard clearance of 15.24 feet.

The petitioners are requesting a Special Permit/Finding that the following additions shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. A one-story 4 foot 4 inch by 20 foot 9.5 inch addition with a minimum left side yard setback of 15.71 feet.
2. A second story 9 foot 2.5 inch by 14 foot 5 inch addition above the existing nonconforming porch with a minimum right side yard setback of 10.5 feet. There will be no change in the footprint.
3. A 19.5 foot by 21 foot 9.5 inch addition over the existing nonconforming garage with a minimum right side yard setback of 15.24 feet. There will be no change in the footprint.

A Plot Plan dated July 11, 2002, revised July 16, 2002, stamped by Joseph W. McCarthy, Jr., Registered Professional Land Surveyor; a Topographic Plan of Land dated July 11, 2002, prepared by Joseph W. McCarthy, Jr., Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated July 16, 2002, prepared by Arrowstreet, Inc.; and photographs were submitted.

On August 13, 2002, the Planning Board reviewed the petition and had no objections to granting the Special Permit.

Decision

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

It is the finding of this Authority that none of the above referenced additions shall be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the two-story additions shall not increase the existing nonconformity, and the one-story addition is less nonconforming than the existing nonconforming structure.

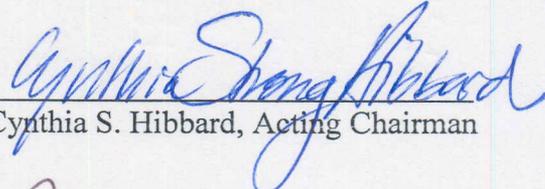
Therefore, the Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the three additions in accordance with the last revision of the submitted plot plan and the construction drawings.

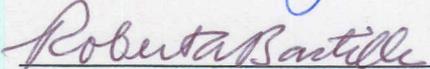
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

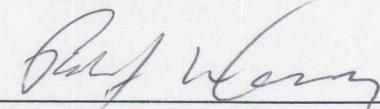
TO TOWN CLERK'S OFFICE

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.

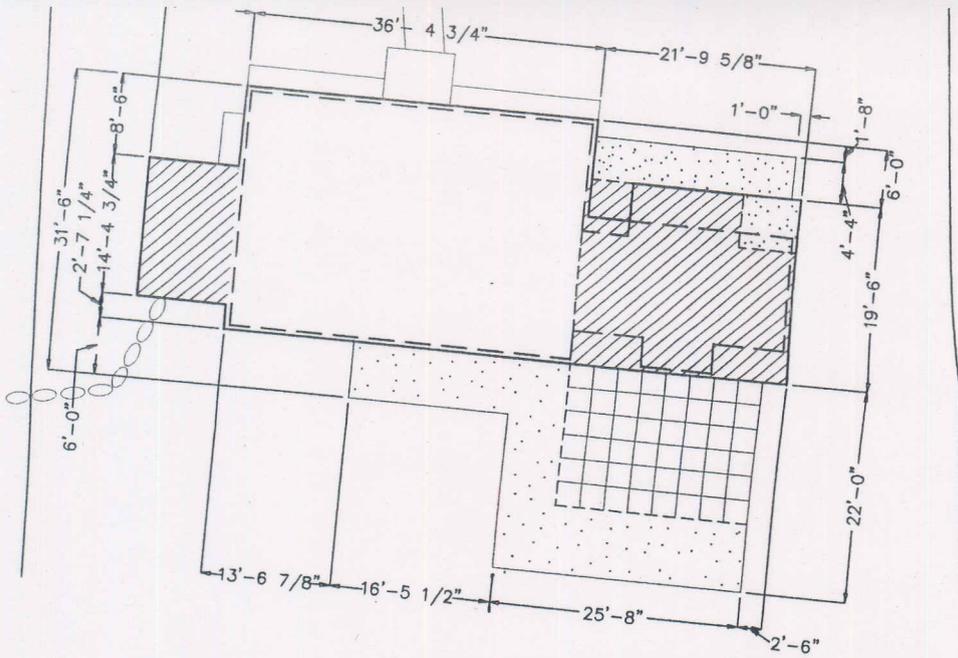
Cc: Planning Board
Inspector of Buildings
edg


Cynthia S. Hibbard, Acting Chairman


Robert A. Bastille


Robert W. Levy

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LINE TYPE LEGEND	
	EXISTING 1ST FLOOR PERIMETER
	EXISTING 2ND FLOOR PERIMETER
	NEW PROPOSED PERIMETER ADDITIONS
	INTERNAL DEMARKATIONS

AREA LEGEND	
	EXISTING TO REMAIN
	NEW 2ND FL. ADDITION ABOVE EXISTING 1ST FLOOR
	NEW 2 STORY CONSTRUCTION
	NEW 1 STORY CONSTRUCTION

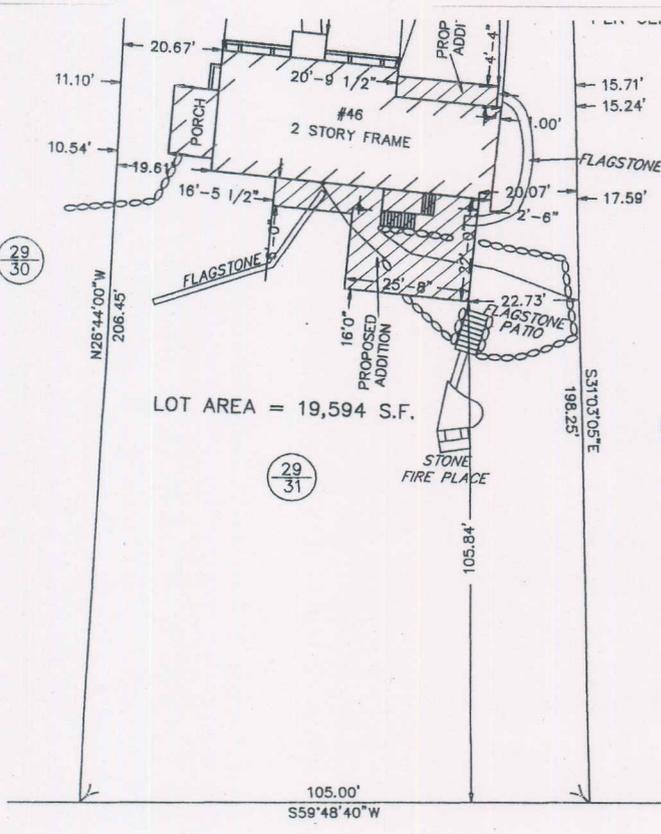


I CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THE EXISTING BUILDING LOCATED AND OFFSETS TO THE PROPOSED ADDITION ARE ACCURATELY SHOWN.

BY
JOSEPH W. McCARTHY JR.

PREPARED FOR
BEN & WENDY FISCHMAN
**PLOT PLAN OF LAND
IN
WELLESLEY, MASS.**

SCALE : 1"=10' JULY 19, 2002
JOSEPH W. McCARTHY Jr. P.L.S.
WALPOLE, MASSACHUSETTS
SHEET 2 OF 2 02-0



REFERENCE:
L.C. PLAN #7129-2
L.C. PLAN #7129-Y
PLAN BY EVERETT M. BROOKS
DATED JAN. 26, 1939
THACKERAY ROAD LAYOUT PLAN
BY GLEASON ENGINEERING
DATED JAN. 6, 1940
CERT. OF TITLE #155121



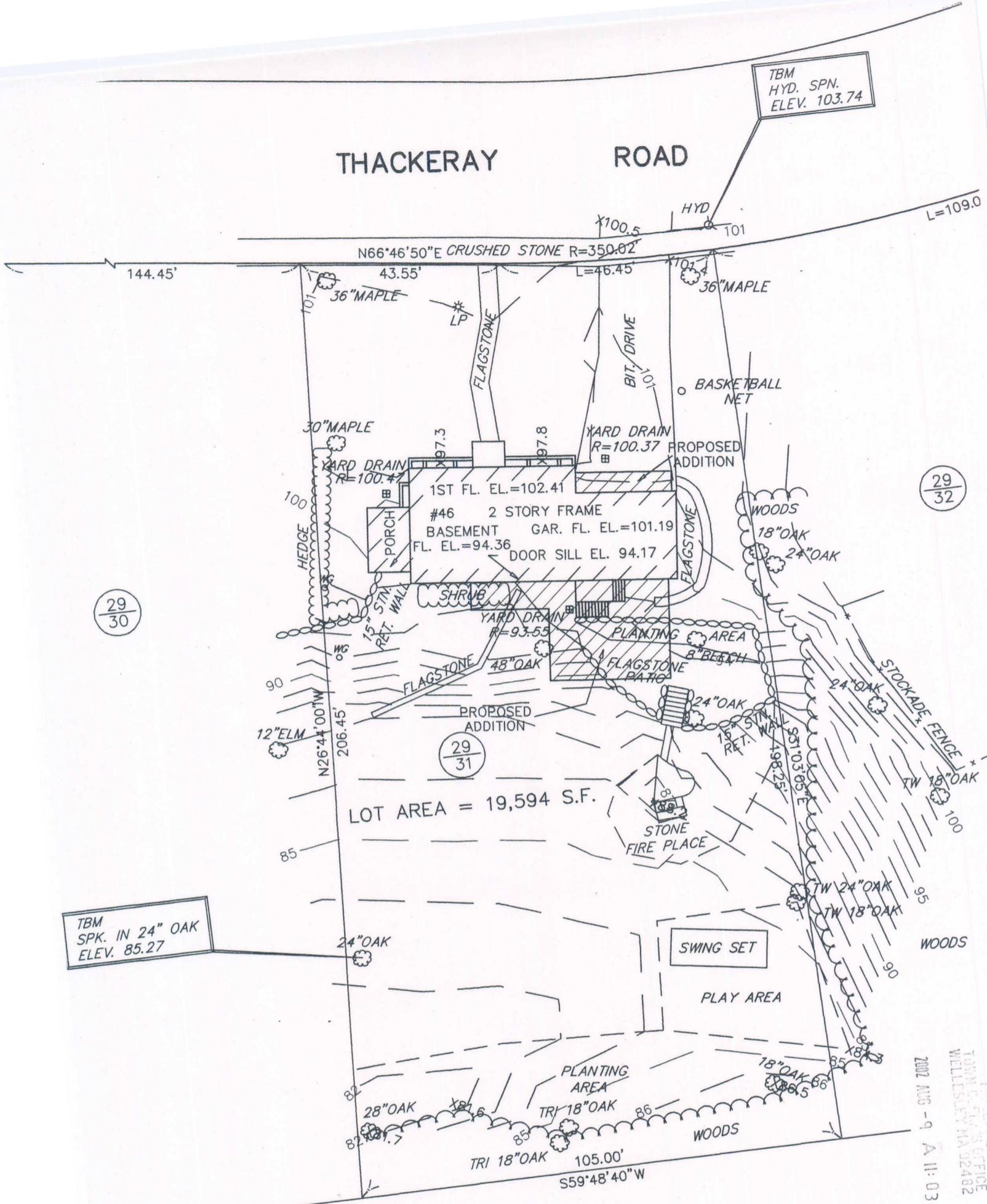
N/F
TOWN OF WELLESLEY

PREPARED FOR
BEN & WENDY FISCHMAN
**PLOT PLAN OF LAND
IN
WELLESLEY, MASS.**

I CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THE EXISTING BUILDING LOCATED AND OFFSETS TO THE PROPOSED ADDITION ARE ACCURATELY SHOWN.

BY
JOSEPH W. McCARTHY JR.

SCALE : 1"=20' JULY 11, 2002
JOSEPH W. McCARTHY Jr. P.L.S.
WALPOLE, MASSACHUSETTS



29/32

29/30

29/31

TBM
SPK. IN 24" OAK
ELEV. 85.27

2002 AUG - 9 A 11: 03
TOWN ENGINEERING OFFICE
WELLESLEY MA 02482

TOPOGRAPHIC
PLAN OF LAND
IN

WELLESLEY, MASS.

SCALE : 1"=20'
JULY 11, 2002
JOSEPH W. McCARTHY Jr. P.L.S.
WALPOLE, MASSACHUSETTS