

TOWN OF WELLESLEY



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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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ZBA 2002-76

Petition of Eric Lussier and Kimberly McCann  
18 Thomas 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 ERIC LUSSIER AND KIMBERLY McCANN 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 front and right side yard setbacks at 18 Thomas Road, in a 10,000 square foot Single Residence District shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Demolition of existing detached garage and construction of a 31.4 foot by 67.8 foot two-story addition with less than the required front and right side yard setbacks.
2. A one-story 12 foot by 6 foot front porch with less than the required front setback.

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 were Eric Lussier and Kimberly McCann. Ms. McCann said they have a growing family, and a need for home offices for each of them, both of which require more space. Their colonial house is similar to 14 and 22 Thomas Road, as well as the house across the street, all of which have had substantial additions. The addition to 14 Thomas Road has basically the same footprint as their plan. The only difference will be in the positioning of the gables.

Ms. McCann said that several years ago they built a large nonconforming detached garage. The garage will be demolished, moved forward and connected to the house, which will shorten the driveway and create more open space at the rear.

The Board asked about the calculation of the percentage of lot coverage, which is shown at 24.9%. Mr. Lussier said the calculations, done by Robert Drake, were computer generated, and include the shed at the rear of the garage.

The Board commented that the setback of 13.3 feet shown on the plot plan submitted for the garage and the setback of 12.8 feet on the new plot plan do not agree. Mr. Lussier said that as the original land surveyor had not been available, and they used Robert Drake for new plan.

The Board stated that there was no scale on the construction drawings. The Board would require signed plans that had a scale.

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The Board asked how deep the new garage would be. Mr. Lussier said it would be 31.4 feet. The Board was of the opinion that it was a very large garage, and asked why the shed could not be eliminated, which would reduce the percentage of lot coverage. Mr. Lussier said they wanted to build two bedrooms on the second floor. With the shed at the rear of the garage, they would be able to hide the AC units. Ms. McCann said her husband is in the landscaping business, and needs the additional space for storage.

The Board reiterated its concern with the percentage of lot coverage. The Board asked if there would be double garage doors on the shed. Mr. Lussier said they would be double doors with the AC units placed in the middle between the doors. The Board requested a more complete elevation. The Board further commented that the plans show a second story above the garage, but not above the shed, so that the elimination of the shed would not affect the additional second story space.

The Board was of the opinion that any approval would be conditioned on the elimination of the shed and incorporating the AC units into the garage between the double doors. Ms. McCann said that would be possible.

The Board asked about the home offices and if any clients came to the house. Ms. McCann said they both work out of the house, but no clients come to their home.

Ann Fitzmaurice, 17 Garrison Road, spoke in favor of the petition, but expressed concern about critical mass.

Marilyn Reed, 22 Thomas Road spoke in favor of the petition.

The Board agreed on the following conditions in regard to allowing the proposed addition:

1. The 3 foot by 20 foot shed shall be eliminated. The functions of the shed shall be incorporated into the body of the garage.
2. All constructions drawings shall be resubmitted with scale and dimensions to the office of the Board of Appeals. A revised rear elevation showing the elimination of the shed shall be included.
3. A new Plot Plan, showing the elimination of the shed, and existing and proposed percentage of lot coverage shall be submitted to the office of the Board of Appeals.

#### Statement of Facts

The subject property is located at 18 Thomas Road, in a 10,000 square foot Single Residence District, on a 9,932 square foot lot and has a minimum right side yard clearance of 10 feet and a minimum front yard clearance of 22.1 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of their existing nonconforming detached garage and construction of a two-story 31.4 foot by 67.8 foot addition with a minimum right side yard clearance of 11.5 feet and a minimum front yard clearance of 28.2 feet, including a new 6 foot by 12 foot front porch, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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18 Thomas Road

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A Plot Plan dated June 5, 2002, stamped by Robert F. Drake, Registered Professional Land Surveyor, Existing Floor Plans and Elevations dated December 20, 2001 and Proposed Floor Plans and Elevations dated June 20, 2002, stamped by David Michael Johnson, Registered Architect; and photographs were submitted.

On September 9, 2002, the petitioner submitted the following:

1. A revised Plot Plan dated September 6, 2002, stamped by Robert F. Drake, Registered Professional Land Surveyor. The proposed shed has been eliminated from the plot plan. The existing percentage of lot coverage is 15.9%; the proposed percentage of lot coverage is 24.3%.
2. A revised First Floor Plan, a revised Second Floor Plan, a revised Front Elevation; a revised Rear Elevation, a revised Right Side Elevation, and a Revised Left Side Elevation. All plans are dated June 20, 2002, and show a scale of 5:1. All plans were prepared by David Michael Johnson, Registered Architect.

A letter in support of petition dated August 28, 2002 from Todd C. Bida, intended buyer of 22 Thomas Road, was also submitted.

On August 13, 2002, the Planning Board reviewed the petition and expressed the opinion that the addition would be substantially more detrimental to the neighborhood than the existing nonconforming structure and recommended that the petition be denied.

#### 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 the demolition of the nonconforming detached garage and construction of the 31.4 foot by 67.8 foot two-story addition, including the 6 foot by 12 foot front porch, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structures, for although the existing nonconformance shall be intensified, no new nonconformity shall be created.

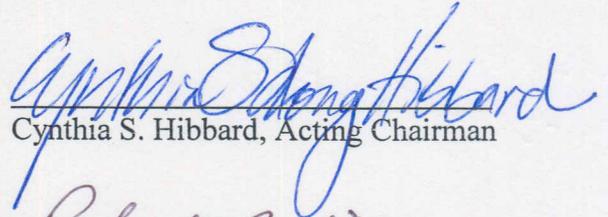
It is the finding of this Authority that the proposed 24.9% of lot coverage, although conforming, leaves so little margin for error that there is a distinct possibility that upon completion of the construction, the percentage of lot coverage would exceed 25%. In order to ensure that this possibility not occur, this Authority finds that the 3 foot by 20 foot shed addition at the rear of the proposed garage shall be eliminated from the proposed plan.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, subject to construction in accordance with the plot plan dated September 6, 2002 and the construction drawings dated June 20, 2002.

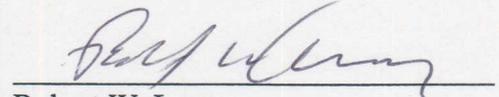
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

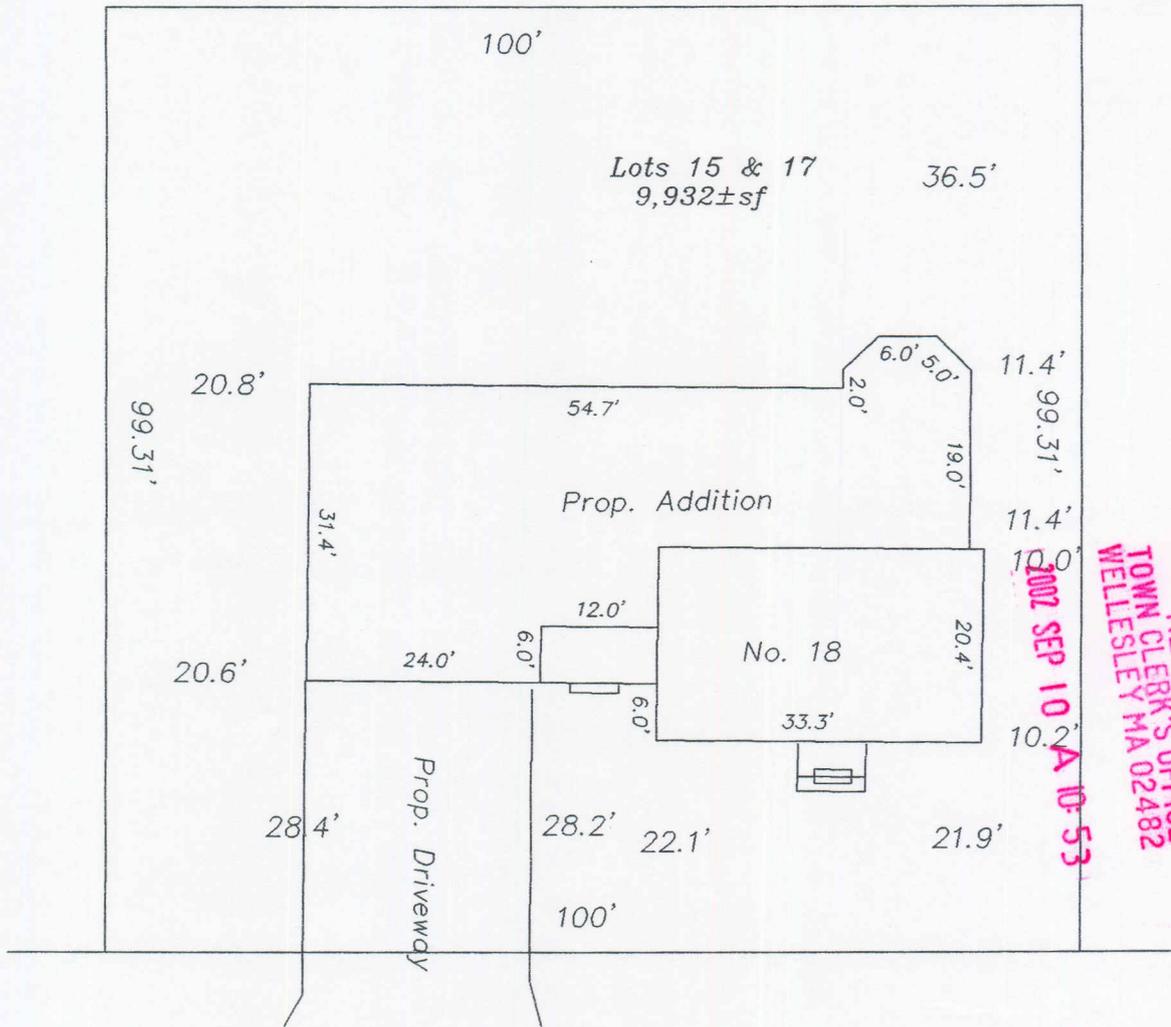
  
Cynthia S. Hibbard, Acting Chairman

  
Robert A. Bastille

  
Robert W. Levy

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ZBA 2002-76  
 Eric Lussler +  
 Katelyn McConne  
 18 Thomas Road



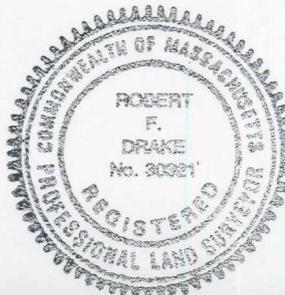
THOMAS ROAD

Existing Lot Coverage 15.9 % (1,475 sf)  
 Proposed lot Coverage 24.3 % (2,410 sf)

I HEREBY CERTIFY THAT THE CONDITIONS ON THE GROUND ARE THE SAME AS SHOWN HEREON. I FURTHER CERTIFY THAT THE BUILDING(S) ARE LOCATED AS SHOWN HEREON

I FURTHER CERTIFY THAT THE SITE IS NOT LOCATED IN A FEDERALLY DESIGNATED FLOOD HAZARD AREA.

SIGNED: [Signature]  
 DATE: Sept 6, 2002

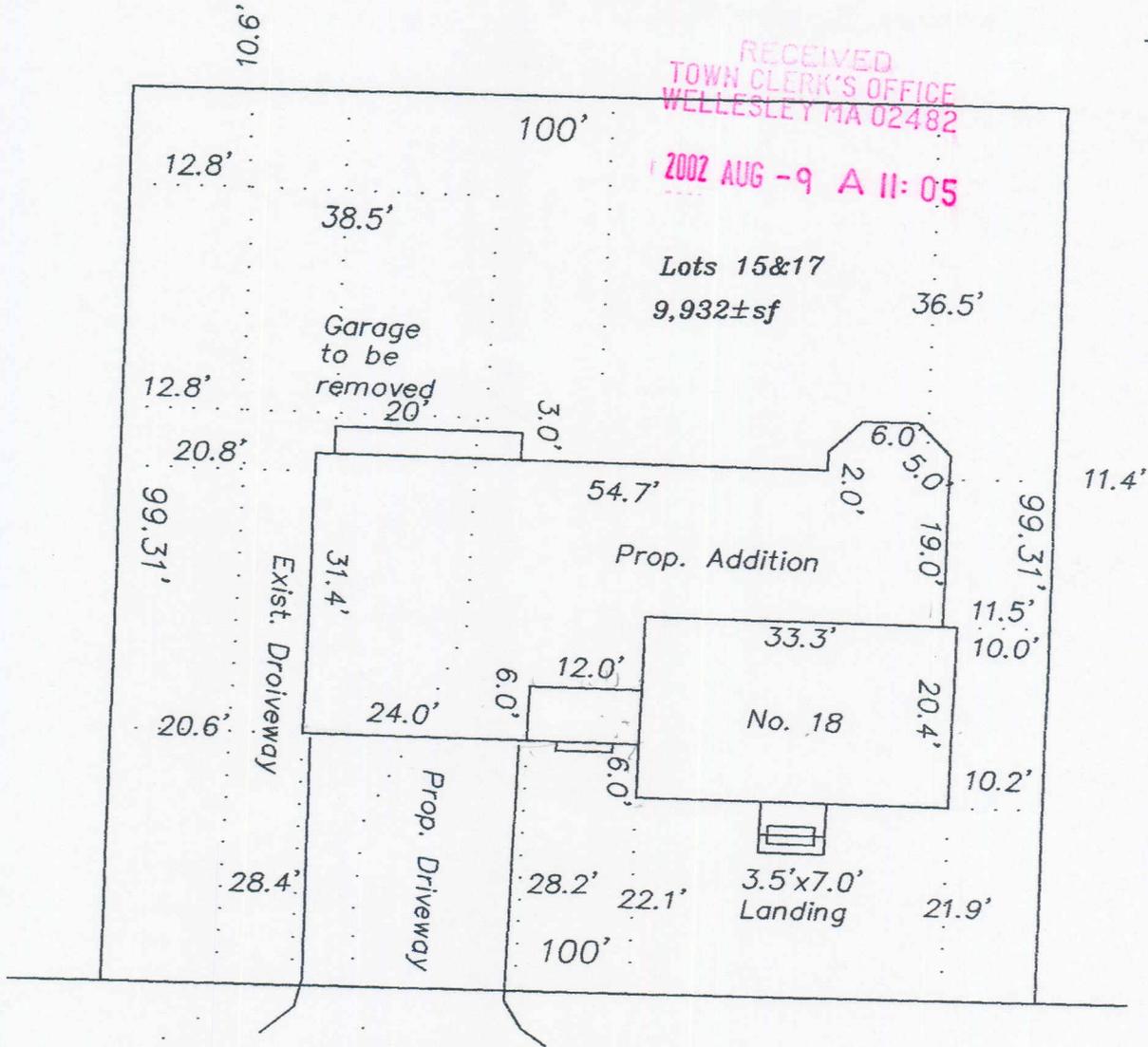


CERTIFIED PLOT PLAN  
 IN

No. 18 Thomas Road  
 WELLESLEY MASS.

SCALE 1" = 20 FEET

Drake Associates Inc.  
 Civil Engineers Land Surveyors  
 770 Grove Street Framingham, Mass.  
 (508) 877-0848  
 FAX (508) 877-6350



Proposed Lot Coverage 24.9% ( 2,470±sf)

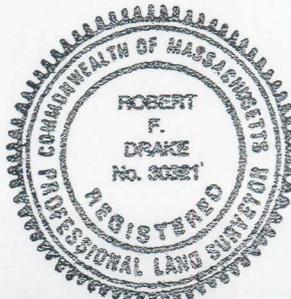
I HEREBY CERTIFY THAT THE CONDITIONS ON THE GROUND ARE THE SAME AS SHOWN HEREON. I FURTHER CERTIFY THAT THE BUILDING(S) ARE LOCATED AS SHOWN HEREON

I FURTHER CERTIFY THAT THE SITE IS NOT LOCATED IN A FEDERALLY DESIGNATED FLOOD HAZARD AREA.

SIGNED:

DATE:

*[Handwritten Signature]*  
JUL 5, 2002



CERTIFIED PLOT PLAN  
IN

No. 18 THOMAS ROAD  
WELLESLEY, MASS.

SCALE 1"= 20 FEET

Drake Associates Inc.

Civil Engineers Land Surveyors  
770 Grove Street Framingham, Mass.

(508) 877-0848

FAX (508) 877-6350