

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2006-23

Petition of Christopher Metcalf  
15 Durant Road

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Petition of CHRISTOPHER METCALF requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing non-conforming dwelling and garage and construction of a 2,246 square foot two-story dwelling that meets all Zoning requirements, at 15 DURANT ROAD, on a 9,290 square foot lot in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 24, 2006, 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 were Chris and Elaine Metcalf and their architect, Pamela Woodworth. Ms. Metcalf said that the lot is nonconforming. She said that the existing dwelling is nonconforming and the proposed dwelling will be conforming. She said that this is their second time before the Board. She said that they tried to consider each of the Board's recommendations. She said that they reduced the mass and bulk of the house and tried to make the design consistent with the neighborhood.

Ms. Metcalf said that they had spoken with the neighbors and they have letters of support.

The Board said that it had received letters of support from Beth and Carter Newbold, 20 Durant Road, from Lucas and Sonia Morales, 18 Durant Road, and one from the Guiffres of 14 Durant Road.

Ms. Metcalf said she had also spoken to the neighbor at the rear who lives on Parker Road. Mr. Metcalf said that they passed out flyers to the neighbors.

The Board said that it appreciated the effort that the Metcalfs put into improving the design.

The Board noted that the lighting wells were reduced. The previous proposal pushed for the maximums allowable under the Zoning ordinances.

The Board asked about the height of the house. The Metcalfs said that the height was slightly reduced from the previous plan. Mr. Metcalf said that the attic is not intended to be living space.

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The Board said that it was good to see the size of the garage reduced.

The Board said that bump-outs could be added as long as they are cantilevered. Ms. Metcalf said that the new proposal puts them 15 inches within the setbacks.

No other person present had any comment on the petition.

The Board noted that the Planning Board had no objection to granting the petition.

#### Statement of Facts

The subject property is located at 15 Durant Road, on a 9,290 square foot lot, with a minimum right side yard setback of 15.2 feet, and a minimum front yard setback of 21 feet.

The petitioner is requesting a Special Permit/Finding that demolition of an existing nonconforming dwelling and garage and construction of a 2,246 square foot two-story dwelling that meets all Zoning requirements, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling.

A Plot Plan dated 2/15/06, stamped by Rod A. Carter, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, drawn by Woodworth Architects, and photographs were submitted.

On February 28, 2006, the Planning Board reviewed the petition and had no objection to granting the request.

#### 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 demolition of an existing nonconforming dwelling and garage and construction of a 2,246 square foot two-story dwelling that meets all Zoning requirements, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling, as it neither increases the nonconformity nor creates a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing nonconforming dwelling and garage and construction of a 2,246 square foot two-story dwelling that meets all Zoning requirements.

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

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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.

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Cynthia S. Hibbard, Acting Chairman

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David G. Sheffield

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Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
lrm