



ZONING BOARD OF APPEALS

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

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ROBERT W. LEVY
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ZBA 2012-36
Petition of John Maxwell
12 Durant Road

Record Owner of Property: Mildred S. Morgan

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 3, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of JOHN MAXWELL requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that raising the ridgeline 3 feet for a shed dormer at the rear and two gable dormers at the front of an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 7,500 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 12 DURANT ROAD, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 18, 2012, 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 John Maxwell (the "Petitioner").

Mr. Maxwell said that the existing house has two bedrooms and one bathroom. He said that the house is located across the street from his wife's parents. He said that he and his wife have three children and two dogs. He said that the house is not big enough.

Mr. Maxwell said that the plan is to make the house look like a traditional cape with a shed dormer on the rear of the house and two gabled dormers on the front of the house to provide the headroom for the two bedrooms and the bathroom that are going upstairs. He said that they will have to raise the ridgeline three feet.

Mr. Maxwell said that they are committed to building something that is appropriate for the neighborhood. He said that his wife grew up in the house across the street.

Mr. Maxwell said that they will not be changing the footprint of the house at all.

The Board said that it was concerned about the structure as it is shown. The Board said that it was not clear that the plan had been fully worked out. The Board said that it was concerned about the new ridge support. The Board questioned if the columns go down to the foundation. The Board said that is an issue for the Building Inspector.

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The Board said that there is currently no second floor. The Board confirmed that there are existing ceiling joists. Mr. Maxwell said that the existing ceiling joists are 2 by 6's but the builder will put in 2 x 10's.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 12 Durant Road, on a 7,500 square foot lot in a district in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum front yard setback of 28.1 feet and a minimum right side yard setback of 17.4 feet.

The Petitioner is requesting a Special Permit/Finding that raising the ridgeline 3 feet for a shed dormer at the rear and two gable dormers at the front of an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 7,500 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.

A Plot Plan dated 4/6/12, stamped by Dennis O'Brien, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 3/28/12, prepared by Tom Leonard, and photographs were submitted.

On April 19, 2012, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

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 raising the ridgeline 3 feet for a shed dormer at the rear and two gable dormers at the front of an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 7,500 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, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for raising the ridgeline 3 feet for a shed dormer at the rear and two gable dormers, 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.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

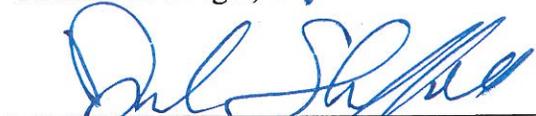
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Petition of John Maxwell
12 Durant Road

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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.


Richard L. Seegel, Chairman


David G. Sheffield


Walter B. Adams

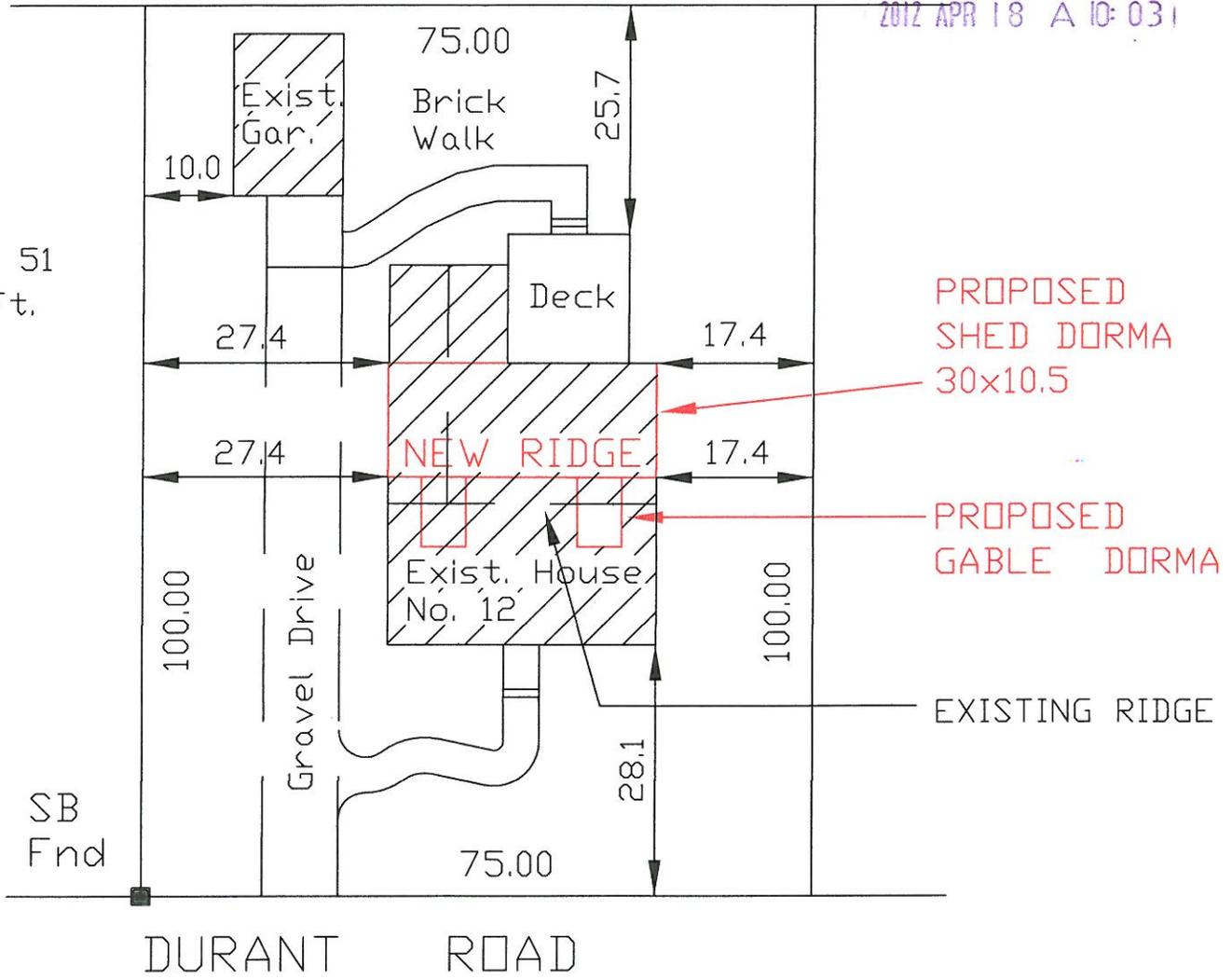
cc: Planning Board
Inspector of Buildings
lrm

EXISTING LOT COVERAGE 17.5%
EXISTING OPEN SPACE 67.5%

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LOT 50 &
HALF LOT 51
7,500 Sq.Ft.



PLAN SHOWING PROPOSED ADDITION

WELLESLEY, MASS.

Norfolk County

Scale: 1" = 20

April 6, 2012

Dennis O'Brien

P.L.S.

Dennis O'Brien

P.L.S.

31 Hayward Unit 3-G

Franklin, Mass. 02038

