



ZONING BOARD OF APPEALS

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

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 (781) 431-1019 EXT. 2208
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ZBA 2012-64
 Petition of Marilyn Sherry
 21 Russell Road

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 WELLESLEY MA 02482
 2012 SEP 19 A 11:21

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 6, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of MARILYN SHERRY requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a 12.42 foot by 18.71 foot second story addition with less than required left side yard setbacks on an existing nonconforming structure with less than required front yard and left side yard setbacks, at 21 RUSSELL ROAD, in a 10,000 square foot Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 23, 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.

August 9, 2012

As there was no quorum of Board Members, the hearing was rescheduled to September 6, 2012.

September 6, 2012

Presenting the case at the hearing was Paul Lukez, Architect. Also present was Marilyn Sherry, (the "Petitioner").

Mr. Lukez said that the request is for a Special Permit/Finding to raise the height on the existing nonconforming structure. He said that the proposal is to reconfigure part of the roof to accommodate a small bedroom. He said that the existing ceiling heights on the second floor are 6 foot 11 inches or less. He said that the goal is to get 8 foot to 8 foot 6 inch ceilings.

Mr. Lukez said that, for ease of construction, good waterproofing and appropriate size, the plan is to build a small parapet wall approximately 2 feet higher than the existing ridge.

Mr. Lukez said that the original structure was built in 1850. He said that there was an addition built 20 years ago. He said that the addition is off on the side with a butterfly roof that picks up the geometry of the 1850 structure. He said that instead of putting a simple shed roof there, the thinking was to make a new elevation that serves as a backdrop to the original structure and the addition. He said that the goal was to build a minimal simple space that is waterproof.

The Board asked about the chimney and how close it will be to the addition. Mr. Lukez said that the chimney will be three feet higher than the addition. He said that it will be approximately two to three feet away from the parapet. He said that construction will be fire-rated.

The Board said that the height from average grade was not shown on the plans.

The Board said that there is an element of trim on the butterfly roof. The Board said that the parapet that extends above does not have the same trim. The Board said that it almost looks like the addition is hiding mechanical equipment. The Board asked that the Architect consider adding trim there.

The Board said that it would help if there were windows in the corner at rear of the house. The Board said that the proposed design presents a blank façade to the adjacent neighbor. Mr. Lukez said that they had been trying to be very conservative in their design. He agreed that adding windows would help the design.

The Board said that this property is located in a Water Supply Protection District. The Board asked about roof runoff. Mr. Lukez said that the gutter is not shown. He said that it will be integrated with the fascia and brought down alongside the chimney and then shed onto the existing roof structure.

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 21 Russell Road, in a 10,000 square foot Single Residence District and a Water Supply Protection District, with a minimum front yard setback of 20.3 feet and a minimum left side yard setback of 2.5 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 12.42 foot by 18.71 foot second story addition with less than required left side yard setbacks on an existing nonconforming structure with less than required front yard and left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/18/12, stamped by David J. Maddigan Jr., Professional Land Surveyor, Existing Floor Plans and Elevation Drawings, dated 3/9/12, Proposed Floor Plans and Elevation Drawings, dated 6/18/12, prepared by Paul Lukez Architecture, photosimulations and photographs were submitted.

On August 9, 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 although construction of a 12.42 foot by 18.71 foot second story addition with less than required left side yard setbacks on an existing nonconforming structure with less than required front yard and left side yard setbacks is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a 12.42 foot by 18.71 foot second story addition with less than required left side yard setbacks on an existing nonconforming structure with less than required front yard and left side yard setbacks, subject to the condition:

- A drawing shall be submitted showing the height from average grade.

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.

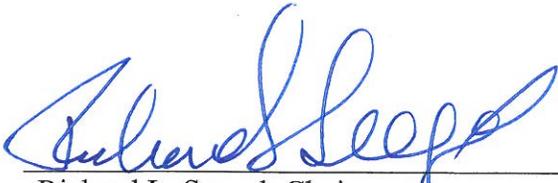
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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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


J. Randolph Becker


David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm

HOUSE LOCATION PLAN

MARILYN R. SHERRY
 21 RUSSELL ROAD
 WELLESLEY, MA.
 N/F WAYNE OFFICE PARK
 LLC
 PARCEL ID 182-40B,40C,40D

CB/DH (FND)
 (OFF 2.11')

PLAN 2009 0728

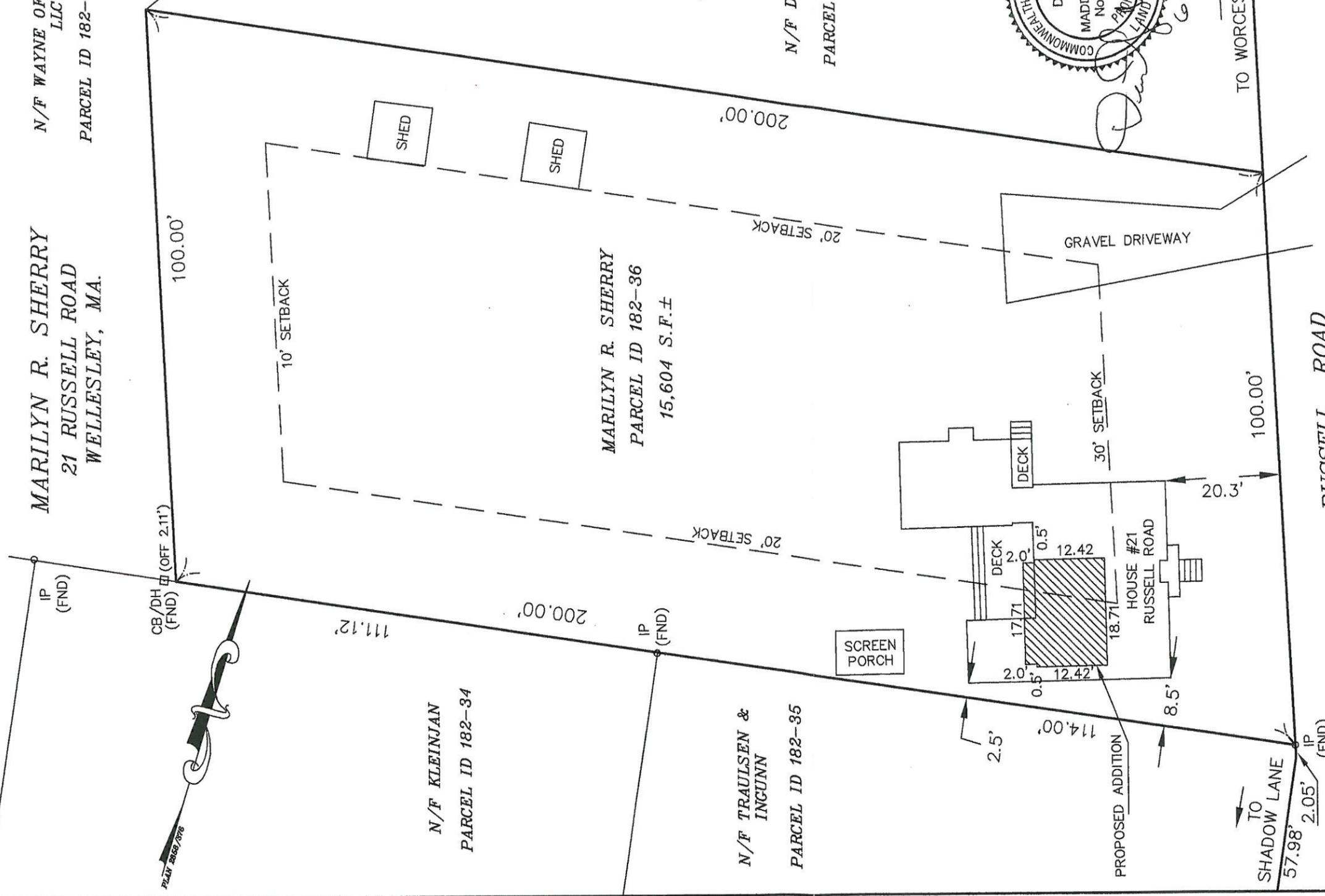
N/F KLEINJAN
 PARCEL ID 182-34

N/F TRAUlsen &
 INCUNN
 PARCEL ID 182-35

MARILYN R. SHERRY
 PARCEL ID 182-36
 15,604 S.F.±

N/F DONAHUE
 PARCEL ID 182-37

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 2012 JUL 23 A 10:16



TO WORCESTER ROAD

TO SHADOW LANE
 57.98'
 2.05' IP (FND)

RUSSELL ROAD
 (PUBLIC - 40' WIDE)

ZONE: SRD-10 SINGLE RESIDENCE
 SETBACKS: FRONT - 30 FEET
 SIDE: 20 FEET
 BACK: 10 FEET

SCALE: 1"=20' JUNE 18, 2012

DEED REFERENCE:
 BOOK 5259 PAGE 245
 % OF BLDG. COVERAGE = 10.0% ±
 SEE PLAN OF LAND IN WELLESLEY MASS., PREPARED BY ROLAND UHLIN C.E., DATED DEC 12, 1946 AND RECORDED IN THE NORFOLK COUNTY REGISTRY OF DEEDS IN DEED BOOK 2658, PAGE 376.

MADDIGAN LAND SURVEYING, LLC
 68 WOODLAWN STREET
 MIDDLEBOROUGH, MA.
 508-510-9940

AN ON THE GROUND INSTRUMENT HOUSE LOCATION SURVEY WAS PERFORMED BY MADDIGAN LAND SURVEYING, LLC ON 6-7-12.