



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 95-44

Petition of David S. Taylor/Joseph A. & Catherine M. Ackil
6 Damien Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 25, 1995 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley on the petition of DAVID S. TAYLOR requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following construction at the nonconforming dwelling, with less than the required front and right side yard setbacks, currently owned by JOSEPH A. AND CATHERINE M. ACKIL, at 6 DAMIEN ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling:

1. Demolition of the existing second story and construction of a new second story approximately 40 feet by 20.5 feet with a 14 foot by 3 foot overhang, which will have less than the required front and right side yard setbacks.
2. Removal of existing walls to open an existing first floor enclosed porch approximately 20.5 feet by 6 feet with less than the required front and right side yard setbacks. There will be no change in the footprint.

On May 8, 1995, 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 David Taylor, who said that the Ackils currently own the house, and that the closing will not take place until the end of June.

Mr. Taylor stated that the overhang would be in the rear, and that he would like to open the porch as he felt an open porch would be more consistent with the original design of the house. Presently there are two bedrooms and one bath on the second floor. The new second floor will contain three bedrooms and one bath. He hoped he would be able to have the space for a second bath in the master bedroom area.

Mr. Taylor said that he is buying the property for the purpose of remodeling it and then selling it. He does not plan to live there. This will be the fourth property in Wellesley that he will have remodeled

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No other person present had any comment on the petition.

Statement of Facts

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The subject nonconforming dwelling is located at 6 Damien Road, in a Single Residence District, on a 4,985.1 square foot lot, and has a minimum right side yard clearance of 4.82 feet and a minimum front yard clearance of 18.99 feet.

The property is currently owned by Joseph A. and Catherine M. Ackil. The title to the property will be transferred to the petitioner in late June.

The petitioner is requesting a Special Permit/Finding to demolish the existing second story and construct a new second story approximately 40 feet by 20.6 feet with a 14 foot by 3 foot overhang. The new second story would have a minimum right side yard clearance of 4.82 feet and a minimum front yard clearance of 18.99 feet. The overhang would have a minimum right side yard clearance of 7.94 feet.

The petitioner is also requesting a Special Permit/Finding to remodel the existing 20.5 foot by 6 foot front porch by removing the exterior walls to make it an open rather than an enclosed porch.

A Plot Plan dated May 2, 1995, drawn by Theodore E. Dwyer, Registered Land Surveyor; Floor Plans and Elevations dated May 1, 1995, drawn by Tod Autiero; and photographs were submitted.

On May 16, 1995, the Planning Board reviewed the petition and voted to express its concern relative to whether the project will be substantially more detrimental to the neighborhood.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling 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 existing second story and construction of a new second story with a 14 foot by 3 foot overhang will not increase the existing nonconformance, nor will it create additional nonconformities as there will be no further encroachment on the minimum right side or front yard clearances.

This Authority also finds that the removal of the front porch walls making it an open, rather than an enclosed porch, will not increase the existing nonconformity, nor will additional

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nonconformities be created as there will be no change in the footprint.

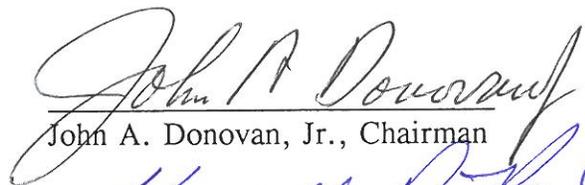
Therefore, a Special Permit is granted for the demolition and construction of a new second story and the opening of the porch subject to construction in accordance with the submitted Plot Plan and construction sketches; and subject to the following condition:

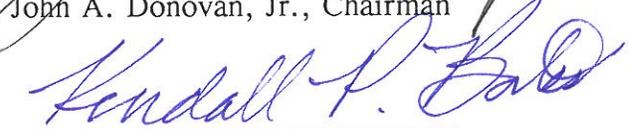
1. Prior to the issuance of any building permit, a copy of the deed transferring title from Joseph A. and Catherine M. Ackil to David S. Taylor must be submitted to the office of the Board of Appeals.

The Inspector of Buildings is hereby authorized to issue a permit for the 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


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

PLAN OF LAND
 6 DAMIEN ROAD
 WELLESLEY, MASS.

PREPARED FOR

DAVID S. TAYLOR

BY

Otte & Dwyer, Inc.

LAND SURVEYORS

196 CENTRAL STREET

SAUGUS, MASS.

P.O. BOX 982

(617) 233-8155

SCALE: 1"=20'

MAY 2, 1995



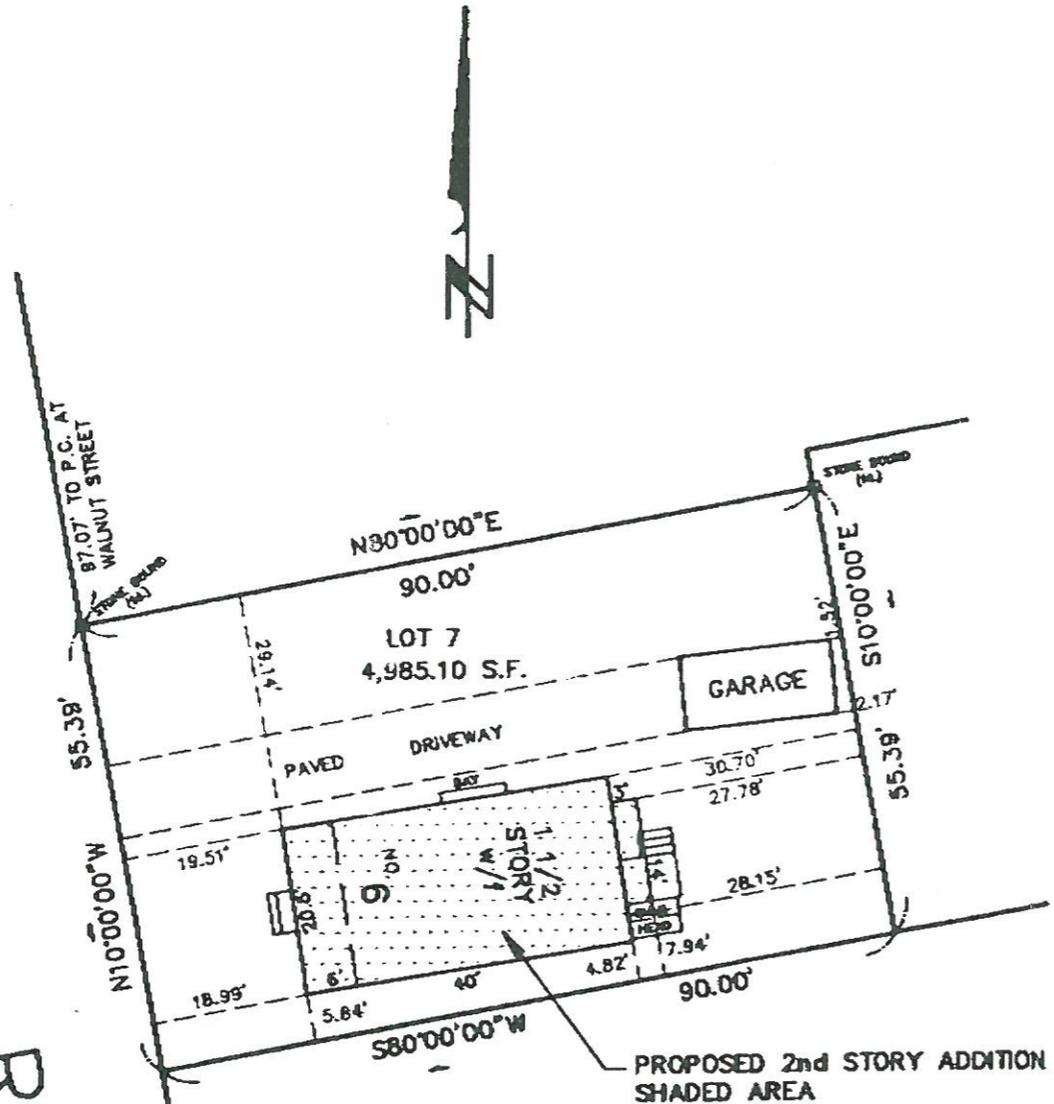
SCALE

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DAMIEN

ROAD



I HEREBY CERTIFY THAT THESE BUILDINGS ARE LOCATED ON THE GROUND AS SHOWN HEREON, BASED ON AN ACTUAL SURVEY BY OTTE & DWYER, INC. ON MAY 1, 1995.

MAY 2, 1995

Theodore E. Dwyer

THEODORE E. DWYER, P.L.S.
 FOR OTTE & DWYER, INC.

