

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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1999 DEC -1 A 8: 28

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ZBA 99-89

Petition of Charles V. Noel and Jacqueline A. Sullivan
21 Cunningham Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 18, 1999 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 CHARLES V. NOEL AND JACQUELINE A. SULLIVAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a two-story addition of which the 16 foot by 32.3 foot first floor will have less than the required front setback, but the 16 foot by 27.7 foot second floor will be conforming, at their nonconforming dwelling with less than the required front setback at 21 CUNNINGHAM ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 1, 1999, 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 was Jacqueline Sullivan, who said that they have worked diligently to meet both the side yard setback by stepping the addition in, and the rear yard setback on their pie shaped lot. The second story of the addition meets the front yard setback, and the first floor of the addition will not exceed the existing nonconforming setback of 25.4 feet. There are many houses on the street that do not meet the 30 foot front setback, so the addition will not look out of place. They do not have a workable garage. The addition will include a garage and family room on the first floor and a master bedroom on the second floor. The existing garage will be demolished. The addition will be built in front of the garage on what is now the paved driveway. They have reviewed the plans with the abutters on both sides, who had no objections.

The Board noted that the Planning Board had no comment on the petition.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 21 Cunningham Road, in a Single Residence District, on a 9,952 square foot lot with a minimum front yard clearance of 25.4 feet.

ZBA 99-89

Petition of Charles V. Noel and Jacqueline A. Sullivan
21 Cunningham Road

The petitioners are requesting a Special Permit/Finding that the construction of a two-story addition of which the 16.32.3 foot first floor will have a minimum front yard clearance of 25.4 feet and the 16 foot by 27.7 foot second floor will be conforming, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated October 20, 1999, drawn by George N. Giunta, Registered Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 10/23/99 drawn by John Vorfeld, and photographs were submitted.

On November 3, 1999, the Planning Board reviewed the petition and had no comment.

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 construction of the two-story addition, of which only the first floor has less than the required front setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the nonconforming first floor will not intensify the existing nonconformance, nor will it create new nonconformity.

Therefore, a Special permit is granted, as voted unanimously by this Authority at the Public Hearing, for the construction of the two-story addition, subject to construction in accordance with the submitted plot plan and construction drawings.

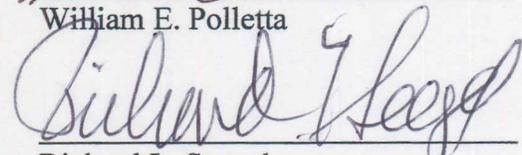
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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


Kendall P. Bates, Chairman

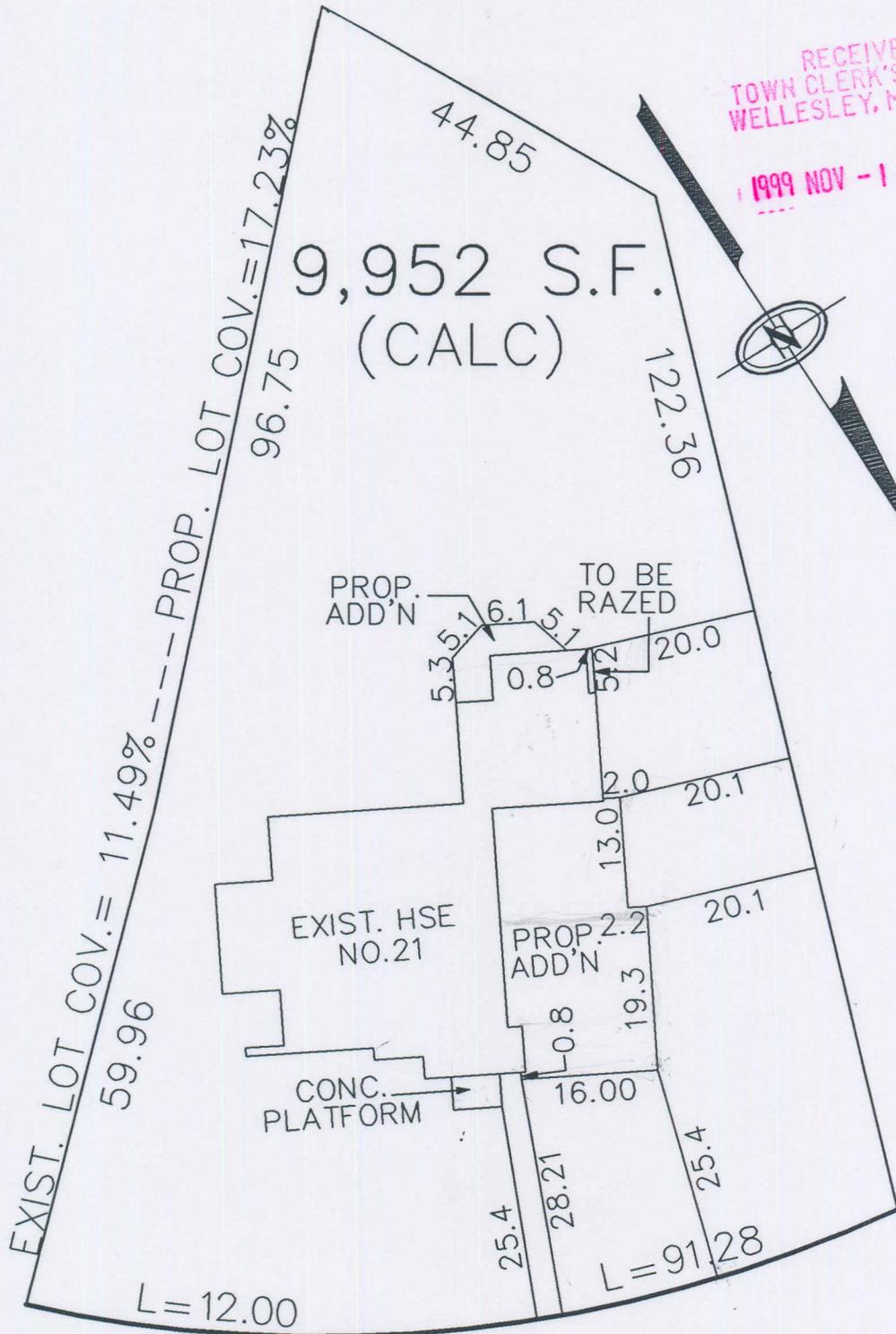

William E. Polletta


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1999 NOV -1 A 10:57



CUNNINGHAM R.D.

**PLOT PLAN OF LAND
WELLESLEY---MASS.**
Oct. 20, 1999 SCALE 1"=20'
NEEDHAM SURVEY ASSOC.
281 CHESTNUT ST.
NEEDHAM MA. 02492
OWNER: CHARLES W. NOEL, JR.

