

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2019-14

Petition of Christopher & Elizabeth Baldwin
9 Tappan Road

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JAN 24 P 3:

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 10, 2019 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Elizabeth & Christopher Baldwin requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of a portion of the existing structure and the existing nonconforming garage, and construction of a two story addition with a two car garage under that will meet all setback and height requirements, on an existing nonconforming structure with less than required left side yard setbacks, at 9 Tappan Road, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 6, 2018, 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 Anu Shah and Sean Cutting, Cutting Edge Homes, Inc., representing Elizabeth and Christopher Baldwin, the Petitioner.

Mr. Shah said that the request is for a special permit/finding for modification of a pre-existing nonconforming structure. He said that the modification includes an addition on the right side of the property. He said that the existing nonconformity is on the left side with a setback of 16.3 feet. He said that the alterations will not result in any additional nonconformities or intensify any existing nonconformities. He said that a new bulkhead and entry steps on the left side fall under the threshold in the Zoning Bylaw and are not considered to be infringing into the setback.

Mr. Shah said that the request is to take down an existing nonconforming garage on the right side of the property and build a garage addition with a master suite above that will conform to all bylaw requirements. He said that the lot is conforming.

A Board member asked if the building will be taken down. He said that the plot plan has a note under the existing house that it is to be razed. Mr. Shah said that the detached garage will be demolished. He said that there is a sunroom on the existing house that will be taken down to put the new garage up.

The Board said that there will be four entrances to the house. Mr. Shah said that the kitchen is on the opposite side of the house from the garage. He said that the side entry works. Mr. Cutting said that instead of putting the ac condensers on the side, they moved them and the stairs so that there will be access to the backyard.

The Board said that the Applicant submitted a series of signed formed letters that expressed support for the project.

Mr. Shah said that TLAG will be 3,505 square feet.

A Board member identified the nonconformities on the property and the Board made findings in accordance with Section XVII of the Zoning Bylaw.

Statement of Facts

The subject property is located at 9 Tappan Road, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 16.3 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of a portion of the existing structure and the existing nonconforming garage, and construction of a two story addition with a two car garage under that will meet all setback and height requirements, on an existing nonconforming structure with less than required left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Memorandum with Exhibits, dated 12/3/18, from Brian Levey, Esq., a Plot Plan, dated 12/3/18, stamped by Gregory G. Gould, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 11/30/18, prepared by Cutting Edge Homes Inc, and photographs were submitted.

On January 9, 2019, the Planning Board reviewed the petition and recommended that a Special Permit be approved.

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 opinion of this Authority that demolition of a portion of the existing structure and the existing nonconforming garage, and construction of a two story addition with a two car garage under that will meet all setback and height requirements, on an existing nonconforming structure with less than required left side yard setbacks, will not result in additional nonconformities, will not intensify existing nonconformities and shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

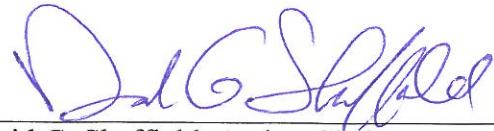
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of a portion of the existing structure and the existing nonconforming garage, and construction of a two story addition with a two car garage under that will meet all setback and height requirements, on an existing nonconforming structure with less than required left side yard setbacks, 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.

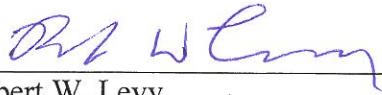
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

ZBA 2019-14
Petition of Elizabeth & Christopher Baldwin
9 Tappan Road

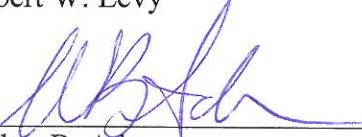
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



David G. Sheffield, Acting Chairman



Robert W. Levy



Walter B. Adams

ZBA 2019-14
Applicant Elizabeth & Christopher Baldwin
Address 9 Tappan Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

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TOWN CLERK'S OFFICE
WELLESLEY, MA 02481
1209 JAN 24 2019
P-101

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

NOTES:

- 1) THIS PLAN IS NOT TO BE CONSIDERED AN ALTA/NSPS LAND TITLE SURVEY.
- 2) LOT 11 AS SHOWN HEREON IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA, OR OTHER FLOOD AREA, AS SHOWN ON FEMA NATIONAL FLOOD INSURANCE RATE MAP (FIRM) NUMBER 25021C0016E, HAVING AN EFFECTIVE DATE OF JULY 17, 2012.
- 3) EXISTING BUILDING HEIGHT IS 29.9' MEASURED FROM THE AVERAGE EXTERIOR GRADE TO THE HIGHEST ROOFLINE.
- 4) EXISTING LOT COVERAGE IS $1,876 \pm \text{SF}$ (18.0±%). PROPOSED LOT COVERAGE IS $2,272 \pm \text{SF}$ (21.8%).

ASSESSORS:

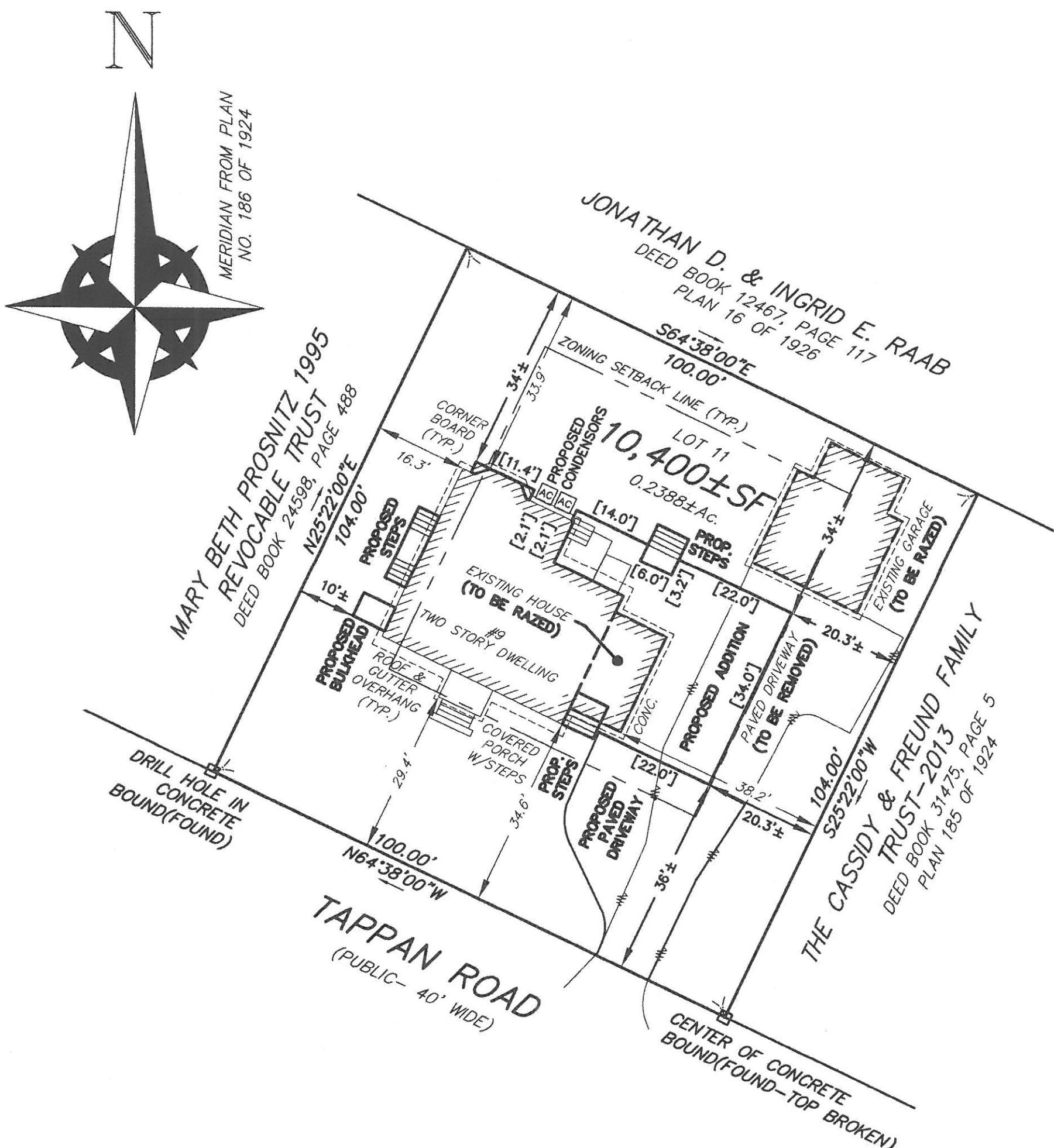
MAP 113, LOT 7

RECORD OWNERS:

CHRISTOPHER J. & ELIZABETH L. BALDWIN

ZONING:

SR10—SINGLE RESIDENCE 10

REFERENCES:DEED BOOK 31950, PAGE 363
PLAN 186 OF 1924

 <i>Gregory G. Gould</i> 12/3/18		PLOT PLAN OF LAND 9 TAPPAN ROAD, WELLESLEY, MA PREPARED FOR: CUTTING EDGE HOMES, INC. HANCOCK Survey Associates, Inc. 34 CHELMSFORD STREET, CHELMSFORD, MA. 01824 VOICE (978) 244-0110, FAX (978) 244-1133 X:\21958-Cutting Edge-Wellesley\DWG\21958pp.dwg Dec 03, 2018 - 3:11 pm	CHK. BY:
			GGG
		DATE:	
		12/3/18	
		JOB NO.	
		21958	

Gregory G. Gould
12/3/18
PROFESSIONAL LAND SURVEYOR