



## ZONING BOARD OF APPEALS

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

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ZBA 2017-88  
Petition of Katharine Cunningham  
106 Crest Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 2, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Katharine Cunningham 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 a second story and construction of a second story addition that will meet all setback requirements, on an existing nonconforming structure with less than required front yard setbacks, on a corner lot, at 106 Crest 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 September 27, 2017, 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 Hans Schaefer, representing Katharine Cunningham, the Petitioner. Mr. Schaefer said that the request is for a special permit for a small second floor addition on top of a flat garage roof. He said that the house was built in 1926. He said that when the survey was done, it was discovered that there is a small nonconforming setback at the corner of Crest and Oakencroft Roads. The Chairman said that the nonconformity is a front yard setback of 27.4 feet where 30 feet is required.

Mr. Schaefer said that there will be no increase in footprint. A Board member said that the proposed addition will be in a compliant location. He said that the Planning Board commented that there is substantial vegetation that will pretty much obscure the addition altogether.

Mr. Schaefer said that the existing bedroom goes out over the garage roof. He said that the proposed addition will bring the look of the house closer to its original intent. He said that they will remove a fake copper roof and change the roof line to a straight ridge. He said that they will repeat the existing stucco finish on the house.

The Board said that the proposed structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming 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 106 Crest Road, on a corner lot in a 10,000 square foot Single Residence, with a minimum front yard setback of 27.4 feet to Oakencroft Road.

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 a second story and construction of a second story addition that will meet all setback requirements, on an existing nonconforming structure with less than required front yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 9/8/17, stamped by William R. Dentremont, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 8/29/17, prepared by Art/Set, and photographs were submitted.

On October 31, 2017, the Planning Board reviewed the petition and recommended that 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 opinion of this Authority that demolition of a portion of a second story and construction of a second story addition that will meet all setback requirements, on an existing nonconforming structure with less than required front yard setbacks 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 demolition of a portion of a second story and construction of a second story addition that will meet all setback requirements, on an existing nonconforming structure with less than required front 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 constructions 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.

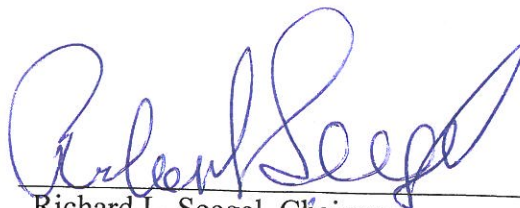
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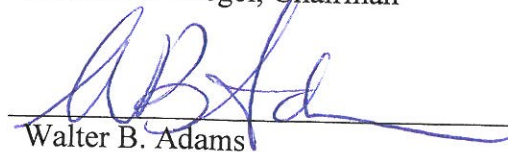
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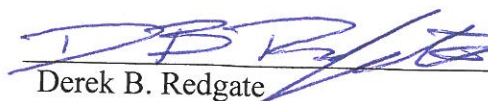
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
Richard L. Seegel, Chairman

  
Walter B. Adams

  
Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm



DIMENSIONAL TABLE

	LOT AREA	FRONTAGE	FRONT YARD	SIDE YARD	REAR YARD	% LOT COVERAGE
REQUIRED	15,017 S.F.	85.00	30'	20'	(10')	20% OF LOT AREA=3,014 S.F. MAX.
EXISTING	15,017 S.F.	256.36	27.4'	42.0, 43.2'	-	10.9% (1,639 S.F.)
PROPOSED	15,017 S.F.	256.36	27.4'	42.0, 43.2'	-	10.9% (1,639 S.F.)

LOT COVERAGE

MAX= 20% OF LOT AREA=  
15,071 S.F.x 20%= 3,014 S.F. MAX.  
BLDG FOOTPRINT  
DECKS ETC.

PROPOSED/EXISTING  
LOT COVERAGE 1,556 s.f.+83 s.f.= 1639 S.F.  
(HOUSE & SHED FOOTPRINT)  
1,639 SF/15,017 SF= 10.9%

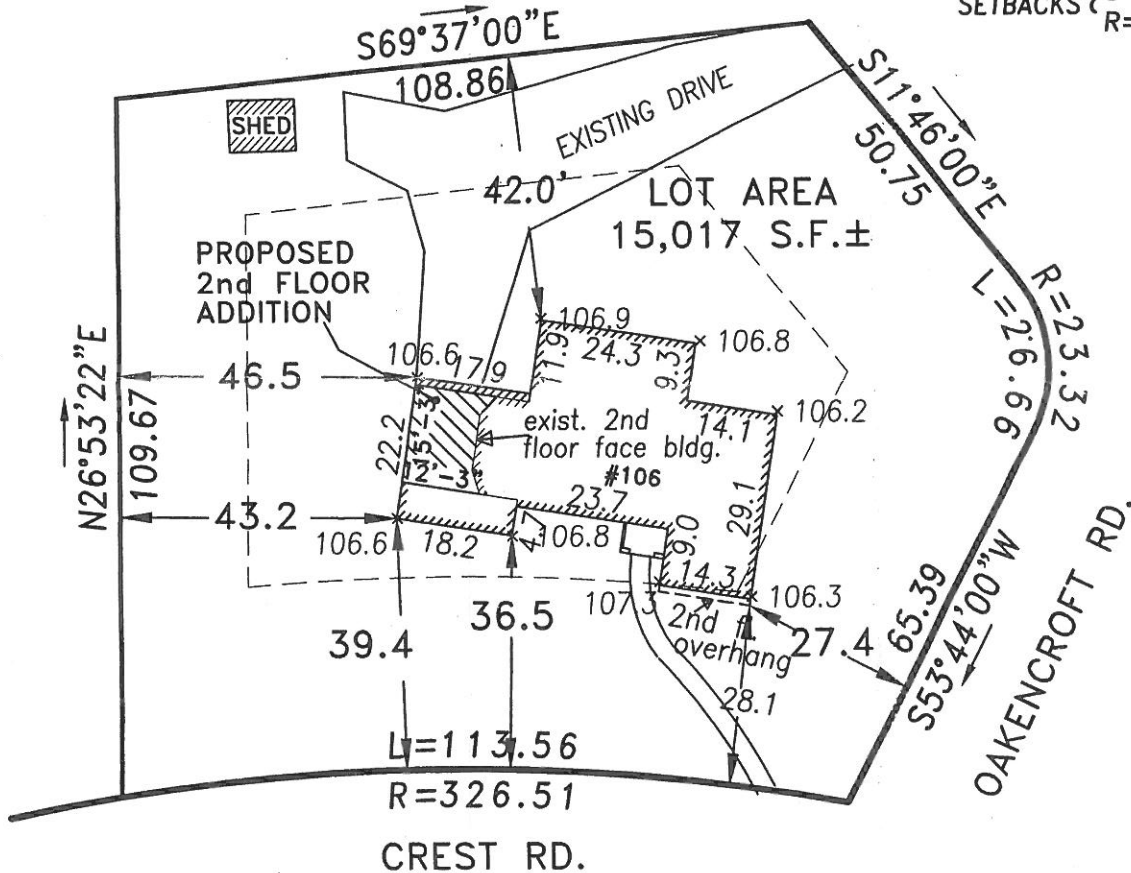
AVERAGE GRADE PLANE

106.6+106.9+106.8+106.2+  
106.3+107.3+106.8+106.6=853.5  
853.5/8= 106.7  
EXISTING HIGHEST RIDGE EL=133.4  
PROPOSED ADDITION RIDGE EL=131.05  
PROPOSED HEIGHT NEW RIDGE 131.05-  
106.7= 24.35 < 36' MAX.

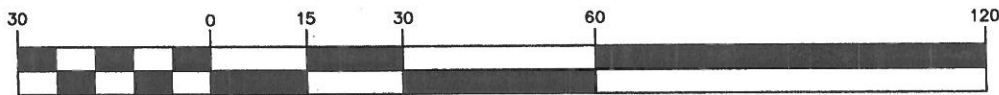
REFERENCES

DEED BOOK 14,180 PG. 468  
PCL ID: 136-43  
ZONE: SR-10

MIN. SETBACKS { F=30'  
S=20'  
R=10'

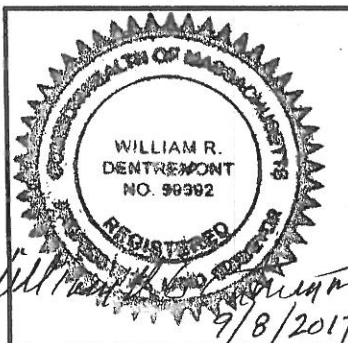


GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.

I CERTIFY THAT THE DWELLING SHOWN HEREON AND  
ADDITION SETBACKS HAVE BEEN DETERMINED FROM INSTRUMENT  
SURVEY AND PROPERTY LINES HAVE BEEN DETERMINED FROM  
DEEDS AND PLANS OF RECORD.



**CERTIFIED PLOT PLAN**  
for  
**KATHARINE CUNNINGHAM**  
at  
**106 CREST RD.**  
**WELLESLEY, MA**

Land Surveyors **C.L.G. ASSOCIATES** Field Engineers  
3 BOSTON ST. SALEM, MA 01970 (978)750-1022 (978)335-1095  
SHEET 1 OF 1 SCALE: 1"=30' DRAWN BY: T.F.S./W.R.D. JOB #696