

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

2001 SEP -5 A 8:06

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ZBA 2001-59  
Petition of F. Thomas Korsmeyer  
81 Russell Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 23, 2001 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, on the petition of F. THOMAS KORSMEYER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of the existing 10.75 foot by 18.6 foot nonconforming deck and construction of a new 12.5 foot by 18.6 foot deck with less than the required left side yard setback, at his nonconforming dwelling with less than the required left side yard setback, at 81 RUSSELL ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 6, 2001, 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 Tom Korsmeyer, who said that the plot plan shows the new deck overlaid on the existing deck, and that the left side of both the old and new decks are in essentially the same location. The contour of the new deck is slightly different, as the rear corners have been chopped off to match the bay window in the new conforming addition to be built on the other side of the house.

Barbara Burke, 89 Russell Road, expressed support for the petition.

Statement of Facts

The subject dwelling is located at 81 Russell Road, in a Single Residence District, on a 9,673 square foot lot, with a minimum front setback of 29 feet and a minimum left side yard setback of 9.4 feet.

The petitioner is requesting a Special Permit/Finding that the demolition of his existing 10.75 foot by 18.6 foot deck with a minimum left side yard setback of 16.4 feet and construction of a new 12.5 foot by 18.6 foot deck with a minimum left side yard setback of 16.4 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 4/18/01, drawn by Clifford E. Rober, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations and Demolition Plan, dated June 20, 2001, prepared by Studio Twenty Six; and photographs were submitted.

On May 31, 2001, the Wetlands Protection Committee voted to issue a Negative Determination of Applicability with Conditions for the project.

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On August 21, 2001, the Planning Board reviewed the petition and had no objection to granting the request.

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 nonconforming deck and construction of the new nonconforming deck, with less than the required left side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the new deck will neither intensify the existing nonconformance, nor create new nonconformity, as it will encroach no further on the left side line than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the demolition of the existing deck and construction of the new deck in accordance with the submitted plot plan and construction drawings and in accordance with the conditions stated in the Negative Determination of Applicability issued by the Wetlands Protection Committee on May 31, 2001.

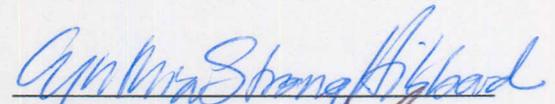
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

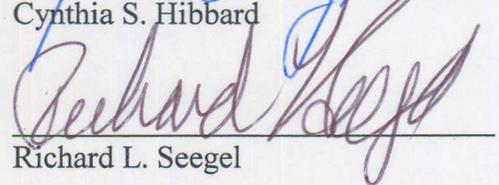
Cc: Planning Board  
Wetlands Protection Committee  
Inspector of Buildings  
edg



Kendall P. Bates, Chairman



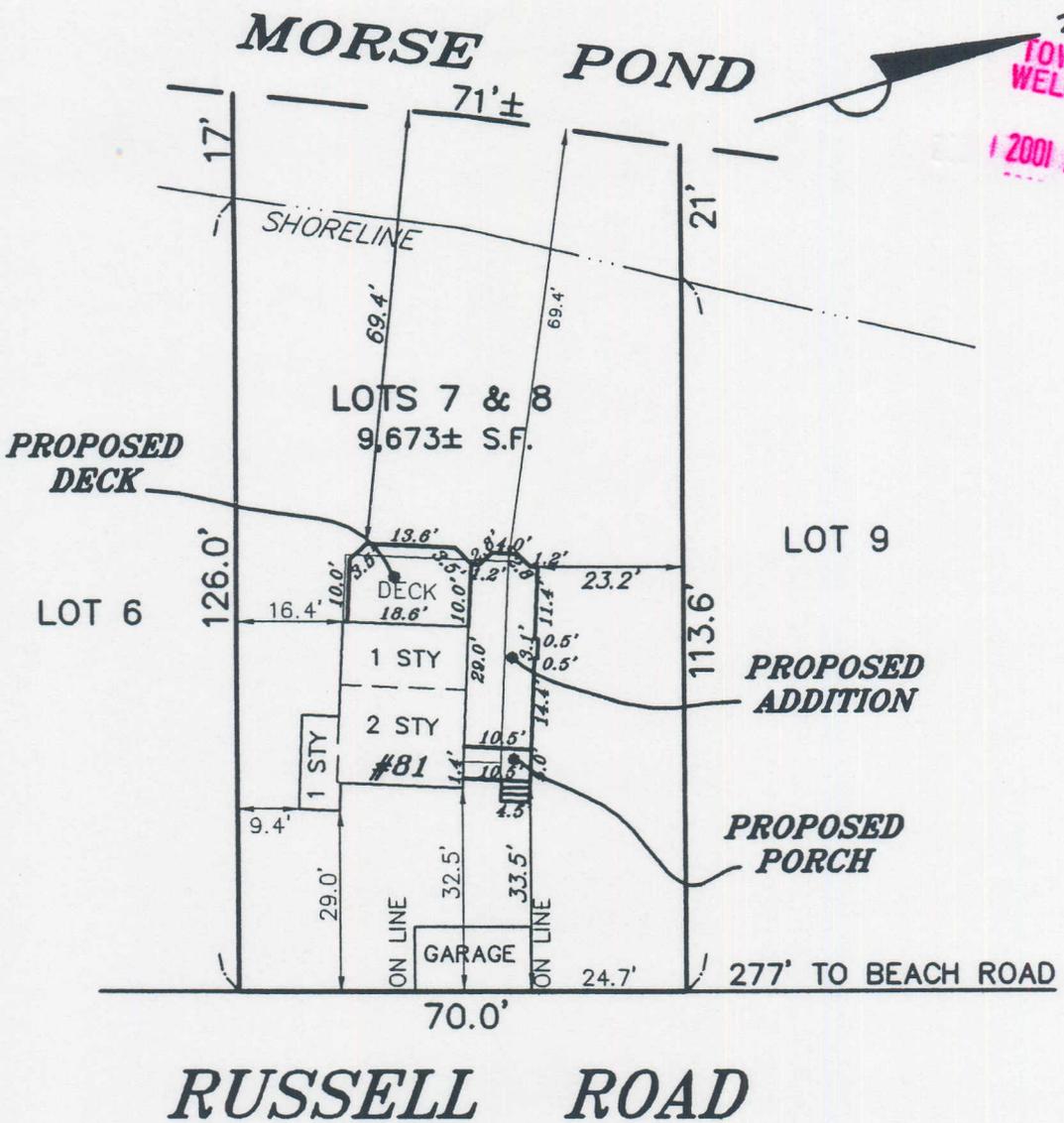
Cynthia S. Hibbard



Richard L. Seegel

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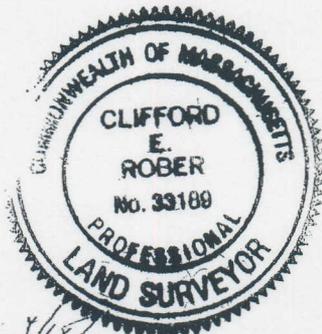
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2001 AUG -6 A 9 17



EXISTING LOT COVERAGE = 12.0%  
PROPOSED LOT COVERAGE = 14.0%

OWNER: TERRY L. & F. THOMAS KORSMEYER

I HEREBY CERTIFY THAT THE BUILDING IS  
LOCATED AS SHOWN.

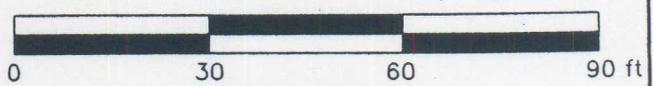


*Clifford E. Rober*  
CLIFFORD E. ROBER, PLS DATE

THIS PLAN MAY HAVE BEEN ALTERED IF  
THE SIGNATURE IS NOT SIGNED IN BLUE.

PROPOSED PLOT PLAN  
#81 RUSSELL ROAD  
IN  
WELLESLEY, MA  
(NORFOLK COUNTY)

SCALE: 1" = 30' DATE: 4/18/2001



ROBER SURVEY  
1072A MASSACHUSETTS AVENUE  
ARLINGTON, MA 02476  
(781) 648-5533  
878PP1A.DWG