

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS 2001 SEP -5 A 8:08

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ZBA 2001-61

Petition of Winthrop Street Realty Trust
Susan F. Slavet, Trustee
15 Winthrop 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, Wellesley, on the petition of WINTHROP STREET REALTY TRUST, SUSAN SLAVET, TRUSTEE 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 30.4 foot by 26.7 foot addition with less than the required right side yard setback, at her nonconforming dwelling, with less than the required right side yard setback, at 15 WINTHROP 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 Jerry Slavet, husband of the petitioner, who explained that his wife had a severe medical condition and was recovering in the hospital. The proposed addition is to provide a ground floor master bedroom suite for her.

Mr. Slavet said that the reason for the request for the Special Permit is that half of the property is in the 100 foot buffer zone of Fuller Brook, and therefore, it would be difficult to build a conforming addition. The existing right rear corner of the house is 11 feet from the property line. The proposed addition will be slightly less nonconforming on the right side, while not intruding into the buffer zone of the brook on the left. The right side abutter is at a slightly higher elevation. The proposed addition begins where the abutting house ends, so the addition will have minimal impact on this abutter. He has met with all the abutters and some neighbors, and all are in support of the petition.

The Board asked if the rear abutter had been contacted, as it appears that no other abutter will be impacted by the proposal. Although the foliage provides heavy screening now, that screening may not be as thick in the winter. Mr. Slavet said the rear abutters are in full support of the addition.

The Board commented that the roof line is low. Mr. Slavet said the roof line will tie into the existing roof line, while one portion will be significantly lower.

The Board noted that the Planning Board objected to the petition, expressing concern regarding the impact of the massing of the building on the right side abutter. The Board did not feel this was a pertinent comment.

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Betsy Kessler, 10 Winthrop Road, and Barbara Shanahan, 9 Winthrop Road, expressed support for the petition.

Statement of Facts

The subject property is located at 15 Winthrop Road, in a Single Residence District, on a 13,497 square foot lot, and has a minimum right side yard setback of 11 feet.

The petitioner is requesting a Special Permit/Finding that the construction of a two-story 30.4 foot by 26.7 foot addition, with a minimum right side yard setback of 11.2 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated July 24, 2001, drawn by Frank Iebba, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated July 28, 2001, drawn by Wayne Rawley; and photographs were submitted.

The petitioner filed a Notice of Intent with the Wetlands Protection Committee on July 24, 2001. On August 9, 2001, the Wetlands Protection Committee issued an Order of Conditions (DEP 324-365) for the proposed additions to the house and terrace.

On August 21, 2001, the Planning Board reviewed the petition and objected to the granting of the Special Permit due to its concern regarding the impact on the abutter of the "massing" of the building.

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 finding of this Authority that the construction of the two-story 30.4 foot by 26.7 foot addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Although the addition will intensify the existing nonconformance, it will not negatively impact the right side abutter, as the addition will be located beyond the rear of the abutting structure. The addition will not create new nonconformance, as it will be less nonconforming than the existing structure.

Therefore, the Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the two-story addition in accordance with the submitted plot plan and construction drawings, and in compliance with the conditions enumerated in the Order of Conditions (DEP 324-365) issued by the Wetlands Protection Committee on August 9, 2001.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application, detailed construction plans, and the submission of a revised detail on roof drainage (Condition 20) to the Wetlands Protection Committee.

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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.

Cc: Planning Board
Wetlands Protection Committee
Inspector of Buildings
edg

Kendall P. Bates

Kendall P. Bates, Chairman

Cynthia S. Hibbard

Cynthia S. Hibbard

Richard L. Seegel

Richard L. Seegel

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