

**ZONING BOARD OF APPEALS**

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

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ZBA 2005-72

Petition of Arthur Christiano
60 Fuller Brook Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 6, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of ARTHUR CHRISTIANO requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of the existing nonconforming structure, with less than required left side yard setbacks, and construction of a two-story structure that meets all setback requirements, on a 15,214 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 60 FULLER BROOK ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 19, 2005, 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 Arthur Christiano who said that he is requesting permission to demolish the existing structure on a nonconforming lot and construct a larger house that respects all of the setback requirements.

The Board said that the plot shows the proposed building height from the top of the concrete to be 34.5 feet. The bylaw requires that the height be measured from the average finished grade. What is shown on the plans looks to be very close to 36 feet from the average finished grade. The Board said that the petitioner must submit a plan showing the calculation measured from the peak of the roof to the average finished grade.

The Board said that the construction plans that were submitted do not have title blocks on them. The Board said that the petitioner must submit construction plans with title blocks on them.

The Board said that there appears to be a third floor on the plans. Mr. Christiano said that will be an unfinished area.

The Board asked if Mr. Christiano had spoken with his neighbors about his plans. Mr. Christiano said that he has.

The Board said that there is little screening to the left and rear of the house. Mr. Christiano said that they have agreed with their neighbor on the right to take down trees. He said that they will be planting trees back there. The Board said that it has to make a determination that the proposal will not be more detrimental to the neighborhood.

The Board said the ground at the rear of the lot appears to be terraced up. The Board asked if grading of the house would be involved. Mr. Christiano said that the first rise is approximately 35 feet from the existing house. He said that the new house will go approximately 10 feet into that rise. Mr. Christiano said that they will not be grading up to that.

The Board said that the pitch of the roof could be reduced to address the height issue.

The Board said that the setback analysis of the houses on the street was helpful. The project is an area where there are nice yards and setbacks.

The Board said that the Planning Board had no objection to granting the request.

Statement of Facts

The subject property is located at 60 Fuller Brook Road, on a 15,214 square foot lot in a district in which the minimum lot size is 20,000 square feet. The existing garage has a minimum left side yard setback of 9.8 feet.

The petitioner is requesting a Special Permit/Finding that demolition of the existing nonconforming structure with a minimum left side yard setback of 9.8 feet, and construction of a two-story structure that will meet all setback requirements, on a 15,214 square foot lot in a district in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 8/12/05, revised 9/11/05, stamped by Carmelo Frazetti, Professional Land Surveyor, proposed floor plans and elevation drawings, drawn by H.L. Millard, and setback calculations for 50 through 80 Fuller Brook Road, prepared by Carmelo Frazetti were submitted.

On October 4, 2005 the Planning Department staff 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 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 demolition of the existing nonconforming structure with a minimum left side yard setback of 9.8 feet, and construction of a two-story structure that will meet all setback requirements, on a 15,214 square foot lot in a district in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it will neither intensify the existing nonconformance nor will it create new nonconformity.

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Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the demolition of the existing dwelling, and construction of a two story dwelling that meets all setback requirements subject to the following conditions:

1. Submittal of construction plans with title blocks on every page
2. Submittal of elevation drawings showing the calculation of the height from average grade.

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.

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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.

Cynthia S. Hibbard, Acting Chairman

Robert A. Bastille

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm