

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEGEL, CHAIRMAN
CYNTHIA S. HIBBARD
DAVID G. SHEFFIELDLENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208J. RANDOLPH BECKER, VICE CHAIRMAN
ROBERT W. LEVY
DAVID GRISSINO

ZBA 2007-43
Petition of Gilbert & Melissa Dailey
45 Forest Street

Petition of GILBERT AND MELISSA DAILEY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming porch and construction of a wraparound porch with less than required front yard setbacks, at 45 FOREST STREET, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 25, 2007, 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 Gilbert Dailey (the "Petitioner"), who said that the request is for a Special Permit to allow for extension of an existing nonconforming porch. The proposed porch addition will wrap around the left side of the house to meet the new addition that is proposed for the back of the house.

Mr. Dailey said that the house was built in the early 1940's. The Board said that it was odd that the house was not built back further into the lot.

The Board asked how that garage is accessed. Mr. Dailey said that there is a driveway on the right hand side of the property.

There was no member of the public present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 45 Forest Street, on a 27,942 square foot lot, with a minimum front yard setback of 13.2 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing nonconforming porch and construction of a wraparound porch 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 5/29/07, stamped by George N. Guinta, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/31/07, drawn by McGavern Design, and photographs were submitted.

On January 11, 2007, the Wetlands Protection Committee issued a Negative Determination of Applicability.

On July 12, 2007, the Planning Department reviewed the petition and did not oppose 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 although demolition of an existing nonconforming porch and construction of a wraparound porch with less than required front yard setbacks is increasing a nonconformity, such increase 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 an existing nonconforming porch and construction of a wraparound porch, 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.

This Special Permit shall expire two years after the date time stamped on this decision.

ZBA 2007-43
Petition of Gilbert & Melissa Dailey
45 Forest Street

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.

J. Randolph Becker, Acting Chairman

Robert W. Levy

David Grissino

cc: Planning Board
Inspector of Buildings
lrm
cc: Planning Board