

**ZONING BOARD OF APPEALS**

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

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ZBA 2011-06  
Petition of Brian Main  
38 Fuller Brook Road

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Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, January 6, 2010 on the petition of BRIAN MAIN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing garage and construction of a 24 foot by 42.51 foot two-story addition, construction of a 4 foot by 10 foot covered right side landing, construction of a 4 foot by 10 foot left side landing, and construction of a 4 foot by 8 foot front landing that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on a 15,524 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 38 FULLER BROOK ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Property Owner: Marc & Nicole Chapman

On December 20, 2010, 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 Brian Main (the "Petitioner"), who said that he was representing the homeowners of 38 Fuller Brook Road.

Mr. Main said that the proposal is to put an addition on the rear of the house that will conform to all setbacks.

The Board asked if there will be 30 feet to the side lot line from the side-facing three-car garage. Mr. Main said that there will be.

The Board said that there will be a substantial increase in the size of the house. Mr. Main submitted Total Living Area Plus Garage (TLAG) calculations. He said that there will be 5,400 square feet with the addition, which is under the 5,900 square foot threshold for the district. The Board said that lot coverage will be barely under 20 percent.

The Board said that the lot is nonconforming. The Board said that it will be a large house on an undersized lot. The Board said that the design solution is such that there were some nice things done to break up the mass and bulk so that the house does not appear as overwhelming as it could have been.

Mr. Main said that the existing garage is less than 30 feet from the side lot line and they will be moving it over. He said that they will adding 16 by 24 feet at the rear.

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 38 Fuller Brook Road, on a 15,524 square foot lot in a district in which the minimum lot size is 20,000 square feet, with a minimum left side yard setback of 18.6 feet, and a side-facing garage with a minimum right side yard setback of 26.3 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing garage and construction of a 24 foot by 42.51 foot two-story addition, construction of a 4 foot by 10 foot covered right side landing, construction of a 4 foot by 10 foot left side landing, and construction of a 4 foot by 8 foot front landing that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on a 15,524 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 12/10/10, stamped by Terrence M. Ryan, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 10/12/10 & 10/25/10, revised 10/19/10, 10/25/10, 10/18/10, 11/11/10 & 12/4/10, prepared by Brian Main AIA, and photographs were submitted.

On January 5, 2011, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that demolition of an existing garage and construction of a 24 foot by 42.51 foot two-story addition, construction of a 4 foot by 10 foot covered right side landing, construction of a 4 foot by 10 foot left side landing, and construction of a 4 foot by 8 foot front landing that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on a 15,524 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 shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted for demolition of an existing garage and construction of a 24 foot by 42.51 foot two-story addition, construction of a 4 foot by 10 foot covered right side landing, construction of a 4 foot by 10 foot left side landing, and construction of a 4 foot by 8 foot front landing that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on a 15,524 square foot lot in a district in which the minimum lot size is 20,000 square feet, 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.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time-stamped on this decision.

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.

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Richard L. Seegel, Chairman

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Cynthia S. Hibbard

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David L. Grissino

cc: Planning Board  
Inspector of Buildings  
lrm

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482

2010 DEC 20 A II: 10:58

# PROPOSED PLOT PLAN 38 FULLER BROOK ROAD WELLESLEY, MASS.

DATE: DECEMBER 9, 2010

SCALE: 1" = 20'

PREPARED FOR:

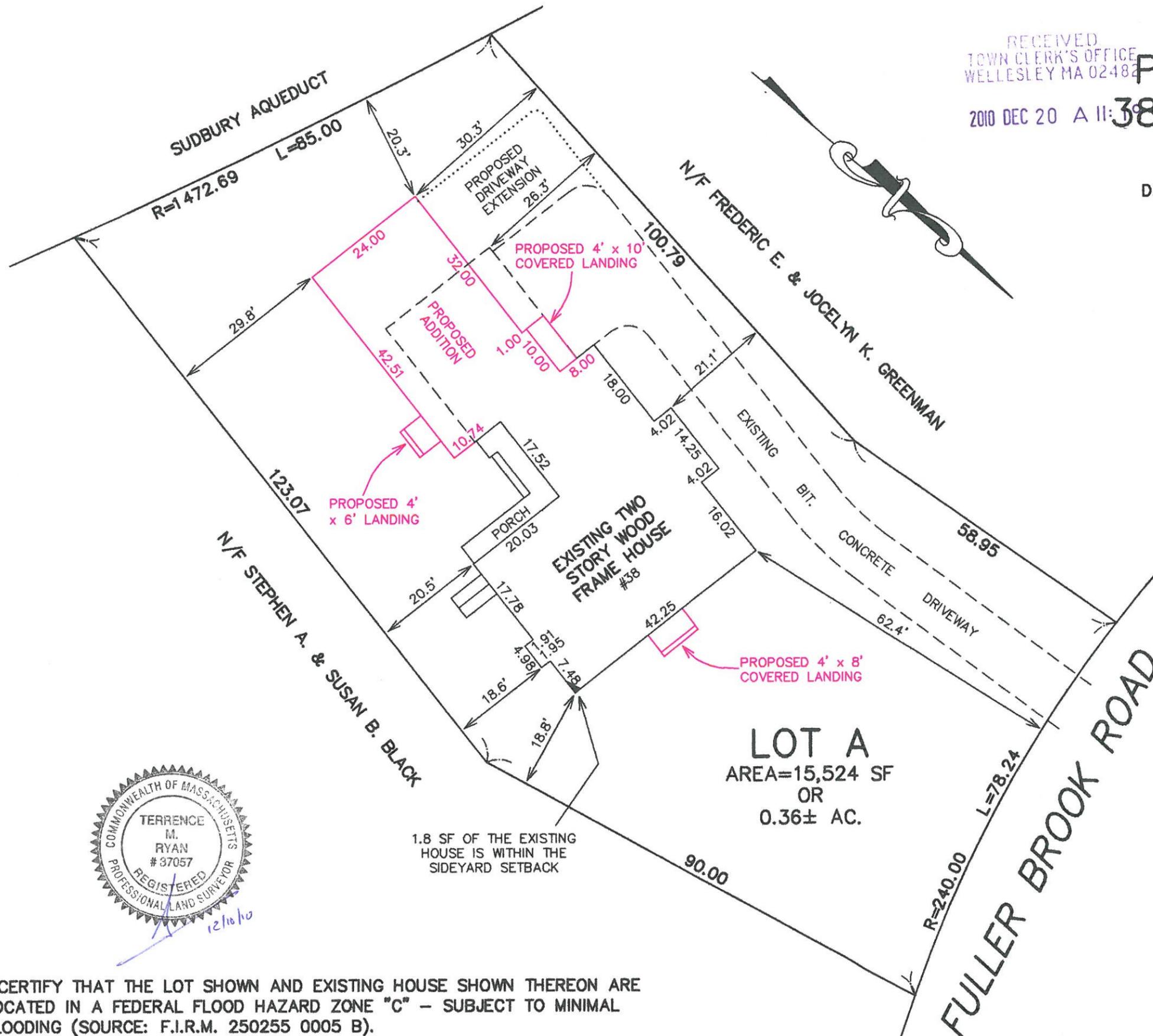
LOSURDO CONSTRUCTION  
P.O. BOX 326  
NATICK, MASS. 01760

ENGINEERS & SURVEYORS:

APPLEWOOD SURVEY LLC  
21 GREEN STREET  
HOLLISTON, MASS. 01746  
TERRENCE M. RYAN R.L.S. 37057

ZONED: SINGLE RES.  
AREA: 20,000 SF  
FRONTAGE: 60 FT  
SETBACK: 30 FT\*  
SIDEYARD: 20 FT  
REARYARD: 20 FT  
COVERAGE: 3,104 SF

DEED BOOK 13978 PAGE 505  
ASSESSORS MAP 79 LOT 5  
EXISTING COVERAGE: 2,570 SF = 16.6%  
PROPOSED COVERAGE: 3,035 SF = 19.6%



**LOT A**  
AREA=15,524 SF  
OR  
0.36± AC.

1.8 SF OF THE EXISTING  
HOUSE IS WITHIN THE  
SIDEYARD SETBACK



I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON ARE  
LOCATED IN A FEDERAL FLOOD HAZARD ZONE "C" - SUBJECT TO MINIMAL  
FLOODING (SOURCE: F.I.R.M. 250255 0005 B).