



ZONING BOARD OF APPEALS

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ZBA 2011-09
Petition of Edward Kelly
8 Homestead Road

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, February 10, 2011 on the petition of EDWARD KELLY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing deck, demolition of existing first, second and third floor additions and construction of a new deck, new first, second and third floor additions that will meet all setback requirements on an existing nonconforming structure with less than required front and side yard setbacks, at 8 HOMESTEAD ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Property Owner: Rosemarie Danner

On January 25, 2011, 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 were Edward Kelly, Contractor (the "Petitioner"), Jeanette Thompson, Architect, and Rosemarie Danner, Homeowner.

Mr. Kelly said that there are two existing additions that were done prior to Ms. Danner's ownership. He said that one addition is a one-story family room. He said that the addition is not aesthetically pleasing and the roof is failing. He said that the plan is build a new family room with a master bedroom above it.

Mr. Kelly said that the second objective of the project is to remove the existing dormer that protrudes out of the front and the back of the roof. He said that addition is also not aesthetically pleasing. He said that the existing space is finished and there are no plans to change it. He said that the plan is to get the roofline back to what it was. He said that the proposed addition will fit inside the existing footprint.

Mr. Kelly said that the garage is nonconforming and that will not be changed.

The Board said that this is a corner lot.

The Board said that the architect's solution will make the mudroom/family room more useful.

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 8 Homestead Road, on a corner lot, in a 10,000 square foot Single Residence District, with less than required front and side yard setbacks.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing deck, demolition of existing first, second and third floor additions and construction of a new deck, new first, second and third floor additions that will meet all setback requirements on an existing nonconforming structure with less than required front and side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 1/17/11, stamped by Elliott J. Paturzo, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 1/14/11, prepared by Thomson Architects, and photographs were submitted.

On February 7, 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 deck, demolition of existing first, second and third floor additions and construction of a new deck, new first, second and third floor additions that will meet all setback requirements on an existing nonconforming structure with less than required front and side yard setbacks, 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 deck, demolition of existing first, second and third floor additions and construction of a new deck, new first, second and third floor additions that will meet all setback requirements, in accordance with the submitted plot 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.

J. Randolph Becker, Acting Chairman

Robert W. Levy

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm

