



ZONING BOARD OF APPEALS

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

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ZBA 2011-12
Petition of Peter Daus-Haberle
40 Pilgrim Road

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, February 10, 2011 on the petition of PETER DAUS-HABERLE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with less than required front yard setbacks, at 40 PILGRIM 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: Adam & Lauren Belmont

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 was Peter Daus-Haberle (the "Petitioner").

Mr. Daus-Haberle said that this is a difficult property. He displayed the location of the garage. He said that the homeowners would have preferred to expand the garage but it is located near a stream and is subject to Wetlands Protection.

Mr. Daus-Haberle said that the existing garage is ten feet deep. He said that once the garage is removed, the plan is to build an addition that will be no more than ten feet deep from the house.

Mr. Daus-Haberle said that the new addition will consist of a family room and a garage with a master bedroom above it.

Mr. Daus-Haberle said that this is a corner lot. He said that the front setback on Pilgrim Road is conforming and the front setback on Martin Road is nonconforming at 26.3 feet. He said that the proposal is to build a garage with a front yard setback of 27.7 feet. He said that a wedge-shaped piece of the garage will be in the setback area.

The Board asked if there was any reason why the garage could not be setback at 30 feet. Mr. Daus-Haberle said that the homeowners wanted to have a reasonably sized family room and garage. He said that they need a longer garage for storage because they cannot put a shed on the property due to proximity to the wetlands area.

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 40 Pilgrim Road, on a corner lot, with a minimum front yard setback of 26.3 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a two-story addition 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 10/12/10, revised 11/17/10, stamped by Vernon J. LeBlanc, Professional Land Surveyor, Existing Floor Plans, dated 7/24/10, Proposed Floor Plans and Existing and Proposed Elevation Drawings, dated 1/5/11, prepared by Daus-Haberle Design, and photographs were submitted.

On February 7, 2011, the Planning Board reviewed the petition and recommended that the Special Permit be granted with a condition.

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 although construction of a two-story addition 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 for construction of a two-story addition with less than required front yard setbacks, 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.

J. Randolph Becker, Acting Chairman

Robert W. Levy

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm

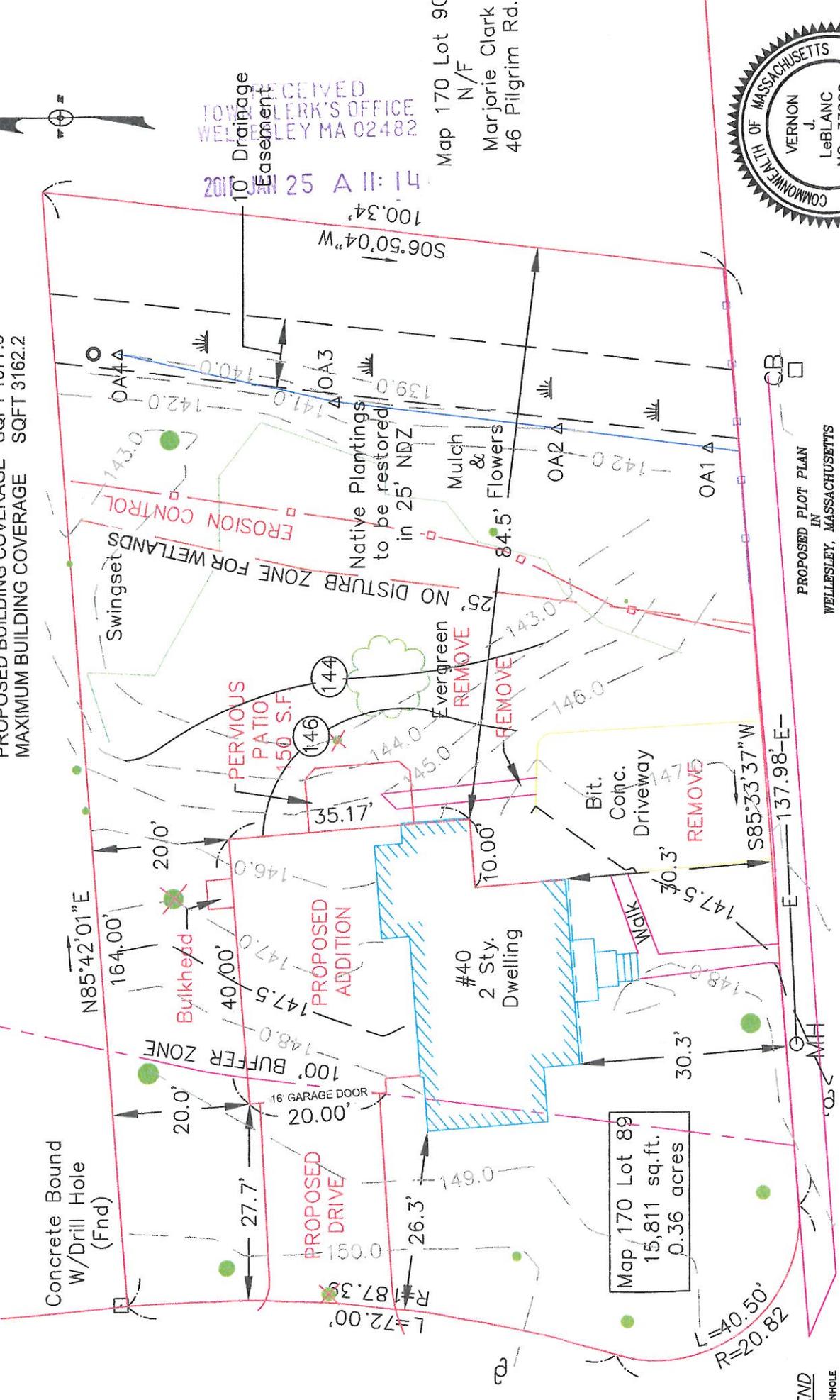
Map 170 Lot 88
N/F

Maria Palasis
65 Martin St.

EXISTING % LOT COVERAGE 7%
PROPOSED % LOT COVERAGE 11%

EXISTING BUILDING COVERAGE SQFT 1242.5
PROPOSED BUILDING COVERAGE SQFT 1877.5
MAXIMUM BUILDING COVERAGE SQFT 3162.2

MARTIN ROAD



RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
JAN 25 A 11:14

Map 170 Lot 90
N/F
Marjorie Clark
46 Pilgrim Rd.



PROPOSED PLOT PLAN
IN
WELLESLEY, MASSACHUSETTS
Prepared For
Adam & Lauren Belmont
40 Pilgrim Road
Prepared By
LeBlanc Survey Associates, Inc.
161 Holten Street
Denvers, MA 01923
(978) 774-6012

ZONING DISTRICT - SINGLE RESIDENCE 10

PILGRIM ROAD

- REFERENCES:
- 1) Deed Book 23380 Page 395
 - 2) Plan in Deed Bk. 2472 Pg. 240
 - 3) Plan in Deed Bk. 2472 Pg. 240
 - 4) Town of Wellesley Layout of an Extension of Martin Road dated January 30, 1948
 - 5) Plan in Deed Bk. 1810 Pg. 380
 - 6) Layout of a Part of Pilgrim Road in Wellesley, Mass. dated January 7, 1938
 - 7) Layout of Pilgrim Road (on extension of) in Wellesley, Mass. dated January 7, 1948

- LEGEND
- MH MANHOLE
 - CB CATCH BASIN
 - UTILITY POLE
 - TREE
 - WETLANDS
 - WETLAND FLAG
 - CONCRETE BOUND
 - IRON PIPE OR ROD
 - PROPERTY LINE
 - CONTOUR LINE
 - TREE OR BRUSH LINE
 - UNDERGROUND ELECTRIC LINE
 - WOOD GUARD RAIL

October 12, 2010 Scale: 1"=20'
Revised November 17, 2010

