



## ZONING BOARD OF APPEALS

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ZBA 2011-22

Petition of Katie & Michael Milway  
10 Laurel Terrace

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Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, April 7, 2011 on the petition of KATIE & MICHAEL MILWAY 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 and construction of an 8.5 foot by 13.2 foot second story addition and construction of a 22 foot by 26.4 foot two-story addition with a full basement with less than required left side yard setbacks, and construction of a 12.4 foot by 15 foot deck that will meet all setback requirements, on a 6,500 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 10 LAUREL TERRACE, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 22, 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 Katie Milway (the "Petitioner"). Also present was Erin Reilly, 28 Bay View Road, Architect.

Ms. Milway said that the proposal is for construction of a nonconforming addition that will not be substantially more detrimental to the neighborhood. She said that three of the four houses around them have built additions. She said that they would like to bring their house up to the same caliber as other houses on the street. She said that it will still be a small house.

The Board said that it was concerned about the proximity of the neighbor at 8 Laurel Terrace. The Board said that the garage on that property is very close to the property line. Ms. Milway said that they have spoken with the neighbor and were told that they supported the project. The Board said that it would like to see a letter from the owner at 8 Laurel Terrace stating that they support this proposal.

Ms. Milway said that there is a tree on her property that the neighbor at 8 Laurel Terrace does not like. She said that the tree appears to be diseased and the plan is to take it down. She said that the tree has been losing boughs. She said that two Silver Maples, probably of similar age, died in the front yard in the past two years. The Board said that certified arborist should take a look at the tree, make recommendations and send the recommendations to the Board.

The Board said that the Planning Board recommended that there not be any new construction in the setback area. The Board said that the Planning Board recommended that the addition be constructed at the rear of the house.

Ms. Milway said that the house at 8 Laurel Terrace has no windows on the side that would face the addition. She said that they thought that it would be better to make the addition broader rather than deep to preserve backyard space. She said that they tried to mirror the additions that have been built on the houses around them.

The Board asked about the distance from the corner of the addition to the neighbor's side yard. Ms. Reilly said that it will be 10 feet. She said that the addition will be jogged in one foot. She said that the length will be reduced by two feet from the rear of the existing deck.

Ms. Milway discussed the windows at 8 Laurel Terrace. She said that the kitchen has no windows. She said that the windows on the first floor are in the mudroom. She said that the windows on the top floor are located in a hall and a very small office at the back.

The Board said that a greater offset at the family room/master bedroom would better define the scale. Ms. Reilly said that the main issue is in the lower level where they are hoping to use the area as a bedroom. The Board said that the addition should be jogged in one more foot. The Board said that a new plot plan must be submitted showing that the distance to the side lot line is 11.1 feet.

The Board said that a revised rear elevation drawing should be submitted because the ridgeline will change.

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 10 Laurel Terrace, on a 6,500 square foot lot, with a minimum front yard setback of 26.7 feet and a minimum left side yard setback of 9 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing deck and construction of an 8.5 foot by 13.2 foot second story addition and construction of a 22 foot by 26.4 foot two-story addition with a full basement with less than required left side yard setbacks, and construction of a 12.4 foot by 15 foot deck that will meet all setback requirements, on a 6,500 square foot lot in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 3/14/11, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 3/15/11, prepared by Erin Reilly, Architect, and photographs were submitted.

On April 6, 2011, the Planning Board reviewed the petition and recommended that the Special Permit be granted with conditions.

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 demolition of an existing deck and construction of an 8.5 foot by 13.2 foot second story addition and construction of a 22 foot by 26.4 foot two-story addition with a full basement with less than required left side yard setbacks, and construction of a 12.4 foot by 15 foot deck that will meet all setback requirements, on a 6,500 square foot lot in a district in which the minimum lot size is 10,000 square feet 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 demolition of an existing deck and construction of an 8.5 foot by 13.2 foot second story addition and construction of a 22 foot by 26.4 foot two-story addition with a full basement with less than required left side yard setbacks, and construction of a 12.4 foot by 15 foot deck that will meet all setback requirements, on a 6,500 square foot lot in a district in which the minimum lot size is 10,000 square feet, subject to the following conditions:

1. A Plot Plan shall be submitted showing that the rear part of the house currently shown at 10.1 feet from the side property line shall now be 11.1 feet from the side property line.
2. A letter from the neighbor at 8 Laurel Terrace shall be submitted stating that they have seen and support the proposed plans at 10 Laurel Terrace.
3. A letter of recommendation from a certified arborist shall be submitted regarding the Silver Maple that stands on the property at 10 Laurel Terrace, close to the property line at 8 Laurel Terrace.

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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J. Randolph Becker

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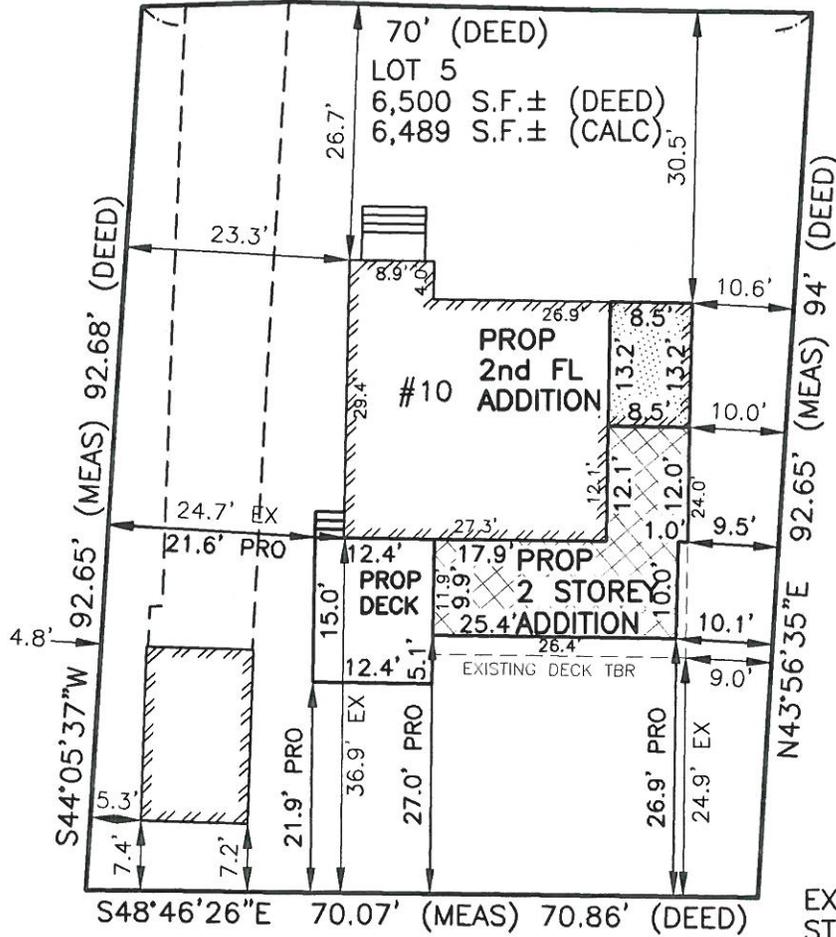
David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm

# LAUREL TERRACE

N51°10'24"W  
15.37'

A=54.47'  
R=2075.00'



RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2011 MAR 22 A 9:41

EXISTING  
STRUCTURES 1,478 S.F.  
LOT COVERAGE 22.7%

PROPOSED  
STRUCTURES 1,600 S.F.  
LOT COVERAGE 24.7%

ESTABLISHED 1916

## EMB

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## PLAN OF LAND IN WELLESLEY, MA

10 LAUREL TERRACE  
PROPOSED ADDITIONS

SCALE: 1 IN. = 20 FT.  
DATE: MARCH 14, 2011  
DRAWN: ER  
CHECK: BB

PROJECT NO. 22634