

**ZONING BOARD OF APPEALS**

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

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ZBA 2011-43
Petition of Steven Berg
30 Colburn Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 7, 2011 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of STEVEN BERG 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 one-story addition with a footprint of 837 square feet, construction of a second story addition over an existing footprint, and construction of a 169 square foot roof over a raised terrace, on an existing nonconforming structure with less than required left side yard setbacks, on an 18,806 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 30 COLBURN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 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.

The Chairman said that he is an abutter of 30 Colburn Road. He said that Mr. Berg would have to waive any conflict in order for the hearing to proceed. Mr. Berg said that he did waive any conflict with the Chairman being an abutter.

Presenting the case at the hearing was Steven Berg (the "Petitioner"). He said that the plan is to remove the existing detached garage that is located in the middle of the back yard and replace it with an attached garage to be located at the right side of the house. He said that the plan is to expand the second floor to match the first floor footprint.

Mr. Berg said that the lot is nonconforming. He said that a corner of the house is setback only 17.2 feet from the side lot line. He said that the nonconformity will not be affected by the new construction.

Mr. Berg said that they went to great lengths to ensure that the addition is consistent with design of the existing structure.

Mr. Berg said that the driveway will be shifting over.

The Board said that only proposed plans were submitted. The Board asked about the overall height. Mr. Berg said that it will be the same as the existing ridgeline. The Board said that the height of the second story addition at the back appears to be less than 36 feet but that should be shown on the plans.

Mr. Berg said that the project will conform to the existing topography.

The Board said that the proposed one-story addition described in the publication appears to be a two-story addition. Mr. Berg said that it will be a one-story addition with dormers. The Board asked if that will be useable space. Mr. Berg said that it will be. The Board said that would be considered to be a two-story addition. The Board said that existing plans, revised plans showing the height of the second story of the addition at the back and a revised description of the addition on the right side as a two-story addition be submitted.

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 30 Colburn Road, on an 18,806 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 17.2 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing garage and construction of a two-story addition with a footprint of 837 square feet, construction of a second story addition over an existing footprint, and construction of a 169 square foot roof over a raised terrace, on an existing nonconforming structure with less than required left side yard setbacks, on an 18,806 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 5/24/11, stamped by Frank Iebba, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 6/1/11, prepared by West Carroll Architecture, and photographs were submitted.

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

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 garage and construction of a two-story addition with a footprint of 837 square feet, construction of a second story addition over an existing footprint, and construction of a 169 square foot roof over a raised terrace, on an existing nonconforming structure with less than required left side yard setbacks, on an 18,806 square foot lot in a district in which the minimum lot size is 20,000 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 garage and construction of a two-story addition with a footprint of 837 square feet, construction of a second story addition over an existing footprint, and construction of a 169 square foot roof over a raised terrace, on an existing nonconforming structure with less than required left side yard setbacks, subject to the following conditions:

1. Existing Floor Plans and Elevation Drawings shall be submitted.
2. Plans A4 and A5 shall be revised to show the height of the addition at the rear of the structure and submitted.
3. A Description of the Project shall be submitted requesting a two-story addition with a footprint of 837 square feet.
4. The existing garage shall be removed.

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.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm

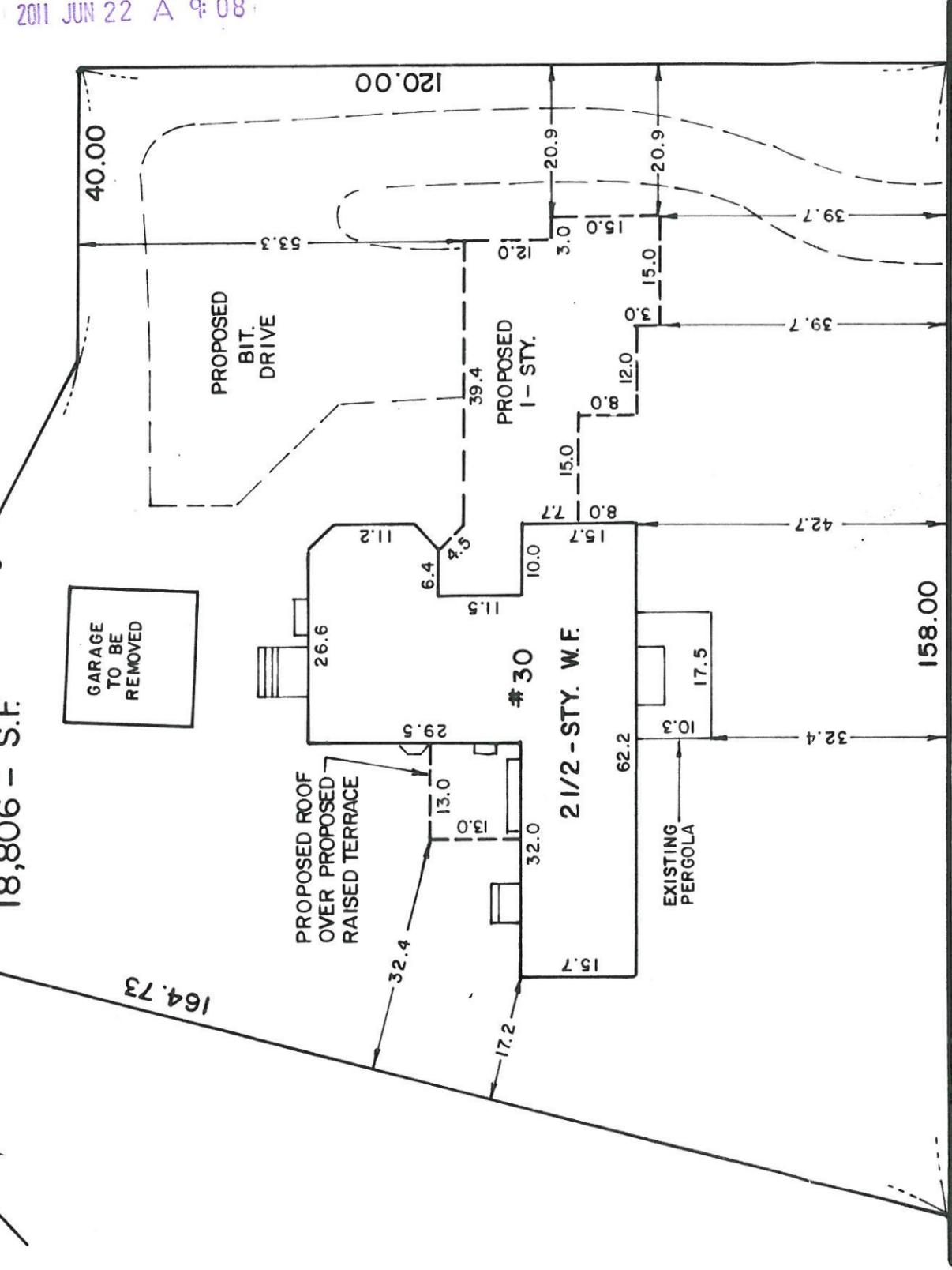
EXISTING LOT COVERAGE = 11.6% (2,184 ± S.F.)
PROPOSED LOT COVERAGE = 16.1% (3,021 ± S.F.)

ASSESSORS REFERENCE - MAP 73, PARCEL 31
BUILDING ZONE: SRD 20 - SINGLE RESIDENCE

NOTE: ABUTTING HOUSE #22 COLBURN ROAD
HAS A 39.4' FRONT SETBACK FROM
COLBURN ROAD (500' RULE)

18,806 ± S.F.

86.20



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2011 JUN 22 A 9:08



PLAN OF LAND
IN

WELLESLEY, MASS.

SCALE: 1" = 20'
ESSEX ENGINEERING & SURVEY, INC.
617-797-7342

MAY 24, 2011
NEWTON, MASS.