

**ZONING BOARD OF APPEALS**

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

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ZBA 2011-55
Petition of Patrick Ahearn
20 Shaw Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 4, 2011 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of PATRICK AHEARN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 13.5 foot by 15 foot one-story addition and construction of a shed dormer on the third floor to finish the existing attic space, that will meet all setback requirements, on an 8,550 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 20 SHAW ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Record Owner of Property: Craig & Erin Majernick

On July 19, 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 Michael Tartamella, Architect, who said that he was representing Patrick Ahearn, Architect (the "Petitioner"). He said that the existing house is in a 10,000 square foot Single Residence District. He said that the lot is 8,550 square feet. He said that there is an existing nonconforming left side yard setback at 19.5 feet.

Mr. Tartamella said that the proposal is for construction of a one-story flat roof addition off of the rear of the house. He said that the addition is approximately 13.5 feet by 15 feet. He said that the addition will meet all setback requirements. He said that lot coverage will be 19.8 percent. He said that the Total Living Area plus Garage (TLAG) threshold for Large House Review for this district is 3,600 square feet. He said that the existing structure with the proposed addition will have a TLAG of approximately 2,609 square feet. He said that they have preserved the original architectural details.

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 20 Shaw Road, on an 8,550 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum left side yard setback of 19.5 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 13.5 foot by 15 foot one-story addition and construction of a shed dormer on the third floor to finish the existing attic space, that will

meet all setback requirements, on an 8,550 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 7/1/11, stamped by Peter M. Ditto, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 7/11/11, prepared by Patrick Ahearn, Architect, and photographs were submitted.

On August 3, 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 construction of a 13.5 foot by 15 foot one-story addition and construction of a shed dormer on the third floor to finish the existing attic space, that will meet all setback requirements, on an 8,550 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, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted for construction of a 13.5 foot by 15 foot one-story addition and construction of a shed dormer on the third floor to finish the existing attic space, that will meet all setback requirements, 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

Cynthia S. Hibbard

Robert W. Levy

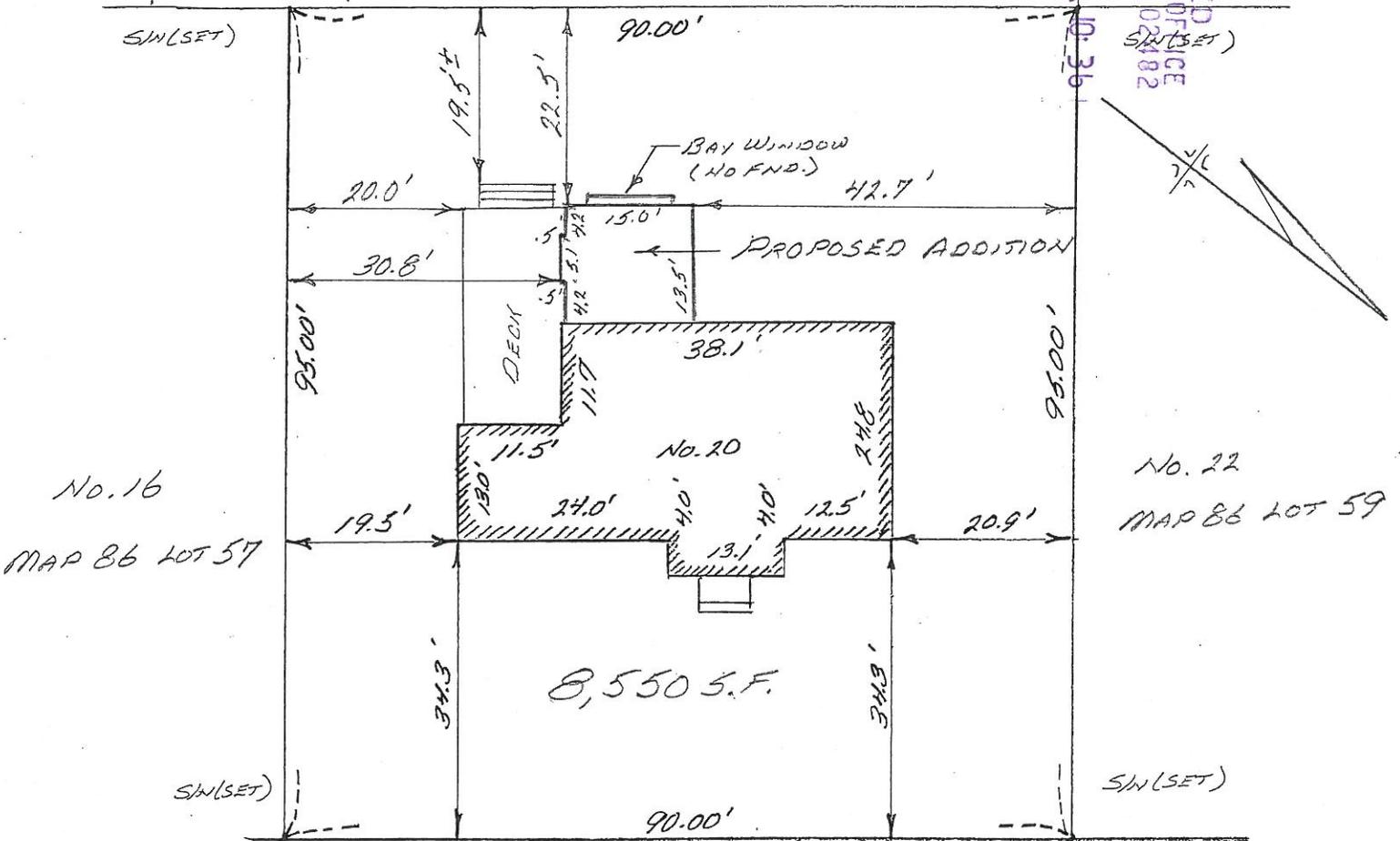
cc: Planning Board
Inspector of Buildings
lrm

	Set Backs				Lot Coverage	Open Space
	Front	Rear	Left S.Y.	Right S.Y.		
Existing	34.3'	35.9'	19.5'	20.9'	16.6%	80.2%
Proposed Addition	59.1'	22.5'	30.8'	42.7'	19.8%	72.2%
Required*	30.0'	10.0'	20.0'	20.0'	25% (max)	75% (min)

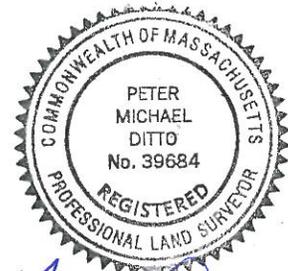
* Zoned Single Residential 10 (Table 1)

NO. 19 KIRKLAND CIRCLE
MAP 86 LOT 50

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2011 JUL 19 AM 9:36



SHAW ROAD



Peter M. Ditto
7/13/11

PLAN SHOWING PROPOSED ADDITION

20 SHAW ROAD
WELLESLEY, MASS

SCALE: 1" = 20' DATE: JULY 1, 2011

Prepared By: Peter M. Ditto
4 Cordial Way
Natick, MA 01760
(508) 655-1850

Prepared for: Craig Majernik
20 Shaw Road
Wellesley, MA 02481