

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEGEL, CHAIRMAN  
CYNTHIA S. HIBBARD  
DAVID G. SHEFFIELDLENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208  
web: [www.wellesleyma.gov](http://www.wellesleyma.gov)J. RANDOLPH BECKER, VICE CHAIRMAN  
ROBERT W. LEVY  
DAVID L. GRISSINO

ZBA 2011-62  
Petition of Daniel O'Connor  
128 Forest Street

---

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 8, 2011, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of DANIEL O'CONNOR requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 13.8 foot by 36.25 foot two-story addition that will meet all setback requirements on a 17,627 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 128 FOREST STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Record Owner of Property: Thomas & SueAnn Sheehan

On August 23, 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 Daniel O'Connor, (the "Petitioner"), and Mark Howland, Architect. Mr. O'Connor said that they were present on behalf of Tom & SueAnn Sheehan, the homeowners, who would like to build an addition to their house on a nonconforming lot.

The Board said that the proposed addition will conform to Zoning regulations. The Board said that it is a nonconforming lot with 17,627 square feet in a district in which the minimum lot size is 20,000 square feet.

The Board said that the closest front yard setback within 500 feet is 37 feet, according to the Area Plan, dated 8/11/11, stamped by Paul DeSimone. The Board said that the proposed 36.9 foot front yard setback that is shown from 128 Forest Street must be brought back to 37 feet.

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 128 Forest Street, on a 17,627 square foot lot in a district in which the minimum lot size is 20,000 square feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 13.8 foot by 36.25 foot two-story addition that will meet all setback requirements on a 17,627 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 8/11/11 and an Area Plan dated 8/11/11, stamped by Paul J. DeSimone, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 8/1/11, prepared by Howland Architecture Studio, and photographs were submitted.

On September 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. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that construction of a 13.8 foot by 36.25 foot two-story addition that will meet all setback requirements on a 17,627 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, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a 13.8 foot by 36.25 foot two-story, subject to the following condition:

- The foundation of the addition shall come no closer to Forest Street than 37 feet.

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

---

David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm

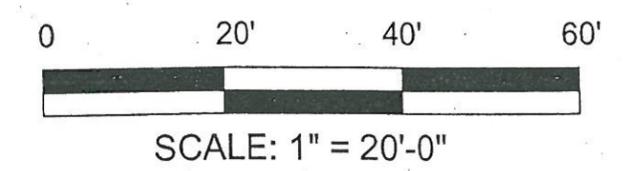
RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2011 AUG 23 A 9:48

NOTES:

1. PLAN REFERENCE: BEING LOT SHOWN ON A PLAN DATED JANUARY 1922 BY R.J. FARNHAM, C.E. AND RECORDED WITH NORFOLK REGISTRY OF DEEDS IN BK. 1511 PG. 325
2. PERCENTAGE OF LOT COVERAGE:  
EXISTING: 15.91%  
PROPOSED: 18.08%
3. MAXIMUM BUILDING COVERAGE:  
EXISTING: 1,048 S.F. / 17,627 S.F. = 5.94%  
PROPOSED: 1,493 S.F. / 17,627 S.F. = 8.47%
4. ZONING DISTRICT: SRD 20 - SINGLE RESIDENCE

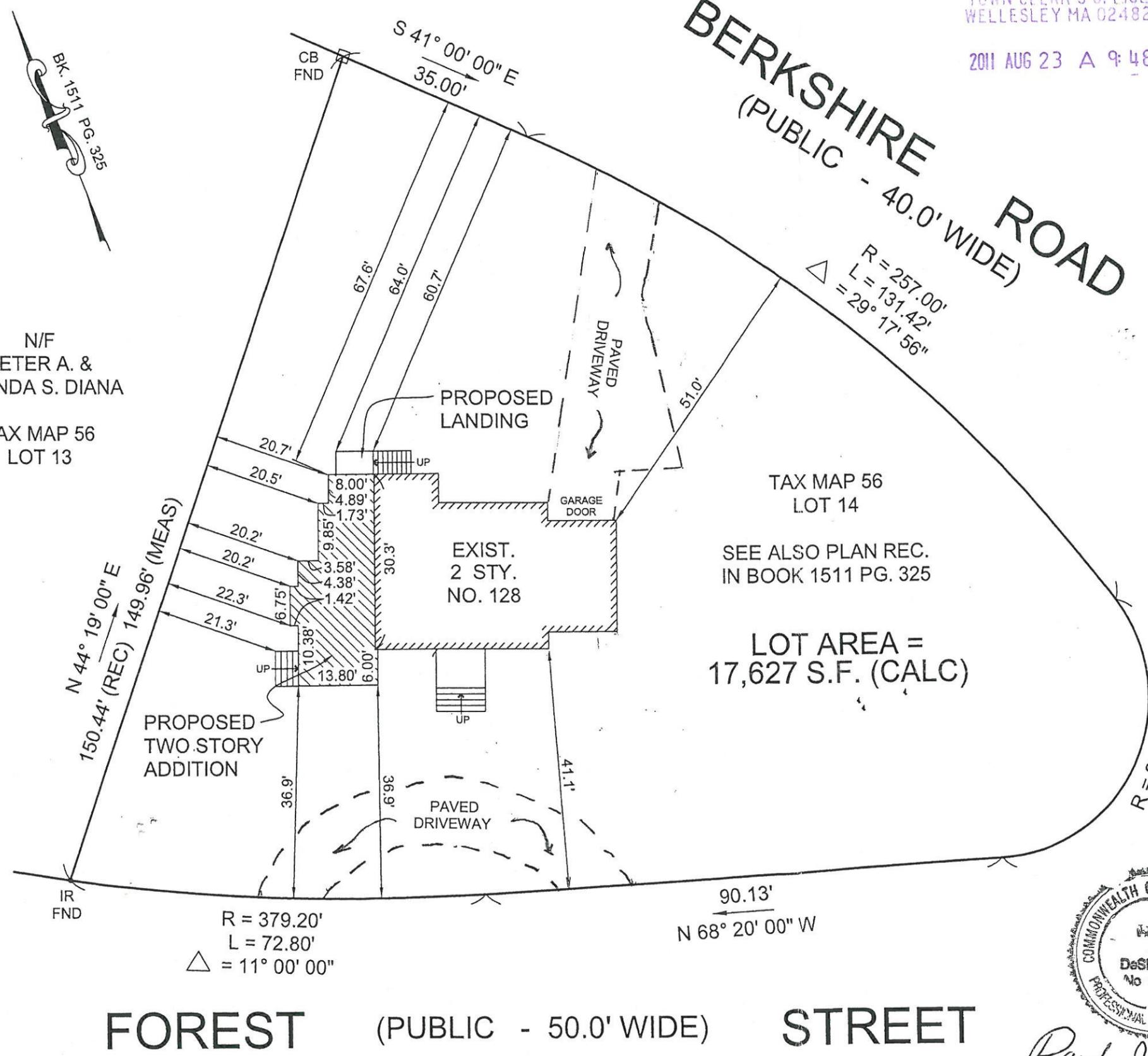
**RECORD OWNER**  
THOMAS AND SUE ANN SHEEHAN  
BK. 25731 PG. 405

**PLOT PLAN - SHOWING PROPOSED ADDITION**  
IN  
**WELLESLEY, MA**  
128 FOREST STREET  
AS DRAWN FOR  
THOMAS AND SUE ANN SHEEHAN



AUGUST 11, 2011

D & A SURVEY ASSOCIATES, INC.  
P.O. BOX 621 MEDFORD, MA 02155  
(781) 324 - 9566 (781) 321 - 2501 (FAX)

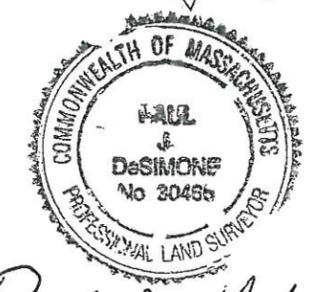


**BERKSHIRE ROAD**  
(PUBLIC - 40.0' WIDE)

TAX MAP 56 LOT 14  
SEE ALSO PLAN REC. IN BOOK 1511 PG. 325  
LOT AREA = 17,627 S.F. (CALC)

**FOREST STREET** (PUBLIC - 50.0' WIDE)

N/F  
PETER A. &  
BRENDA S. DIANA  
TAX MAP 56  
LOT 13



*Paul J. DeSimone*

*APP. Don O'Connor*