



ZONING BOARD OF APPEALS

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

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 2015 APR 21 P 3:05

ZBA 2015-34
 Petition of Mark & Polly Fraga
 33 Glen Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 9, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of MARK & POLLY FRAGA requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing covered entry with less than required left side yard setbacks, and construction of a second story addition and a chimney that will meet all setback requirements, on an existing nonconforming structure with less than required front yard, left side yard, and right side yard setbacks, on an 8,102 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 33 GLEN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 23, 2015, 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 Jacob Lilley, Architect, Mark and Polly Fraga, (the Petitioner).

Mr. Lilley said that Mr. Fraga has lived in town for seven years. He said that the house cascades down a hill. He said that the front and side yard setbacks are nonconforming. He said that Mr. Fraga has three children. He said that space on the second floor is quite limited. He said that they currently all share one bathroom on the second floor. He said that there is limited closet space. He said that the goal is to improve on that.

Mr. Lilley said that there have been a series of additions done to this house over time. He said that there is a shed roof component that comes out approximately 12 feet where there is the perfect opportunity for an expansion on the second floor to build on top of that.

Mr. Lilley said that the proposal is for a second story addition over the existing shed structure, 24 feet by 12 feet. He said that will enable them to have a second bathroom and improve upon the limited closet and storage space.

Mr. Lilley said that there is a chimney component to the project. He said that a chimney will be added to the existing rec room that will allow for use of the fireplace both in the rec room and at the deck level.

The Board asked about an Order of Conditions for the chimney. Mr. Lilley said that the Wetlands Administrator sent an email regarding a Negative Determination. The Board said that the email should be

updated because it is dated March 16, 2015 and the RDA Hearing was held on April 2, 2015. Mr. Lilley submitted the Negative Determination of Applicability, dated April 7, 2015.

Mr. Lilley said that, on the back of the house where the chimney is, there is a small door. He said that the basement is below grade and there is a light well. He said that they agreed with the Wetlands Protection Committee to replace the door with an egress window to reduce the impact on the grade. The Board asked about a second means of egress. Mr. Lilley said that there is a set of stairs that lead up to the floor above. He said that the basement is primarily underground.

Mr. Lilley said that the addition will be modest. He said that it will take its cues from the existing house. He said that everything will be matched and knitted in.

The Board confirmed that no changes will be made to the driveway.

The Board asked if the basement door shows on any of the plans. Mr. Lilley said that the basement is so subterranean that it was beyond their scope of work. The Board confirmed that it will be changed to an egress window. Mr. Lilley said that they provided that plan to the Wetlands Protection Committee.

The Board asked if there are any neighbors behind them on the other side of Cold Spring Brook. Mr. Fraga said that the neighbors there are quite a distance away. He said that the neighbors from 31 Glen Road have an L-shaped property that wraps around 33 Glen Road. He said that those neighbors were present at the hearing. He said that the houses on the other side of Cold Spring are approximately 400 feet away. The Board confirmed that there is a lot of screening between the houses.

Kathleen Carney-Mark, 31 Glen Road, said that she is in favor of the project.

Statement of Facts

The subject property is located at 33 Glen Road, on an 8,102 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 15.8 feet, a minimum left side yard setback of 14.8 feet and a minimum right side yard setback of 15 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing covered entry with less than required left side yard setbacks, and construction of a second story addition and a chimney that will meet all setback requirements, on an existing nonconforming structure with less than required front yard, left side yard, and right side yard setbacks, on an 8,102 square foot lot in a Single Residence 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 3/18/15, stamped by John R. Hamel, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, 3/6/15, prepared by Jacob Lilley Architects, and photographs were submitted.

On April 7, 2015, the Wetlands Protection Committee issued a Negative Determination of Applicability.

On April 9, 2015, 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 opinion of this Authority that although enclosure of an existing covered entry with less than required left side yard setbacks, and construction of a second story addition and a chimney that will meet all setback requirements, on an existing nonconforming structure with less than required front yard, left side yard, and right side yard setbacks, on an 8,102 square foot lot in a Single Residence 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, as voted unanimously by this Authority at the Public Hearing, for enclosure of an existing covered entry with less than required left side yard setbacks, and construction of a second story addition and a chimney that will meet all setback requirements, on an existing nonconforming structure with less than required front yard, left side yard, and right side yard setbacks, on an 8,102 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, 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 constructions plans.

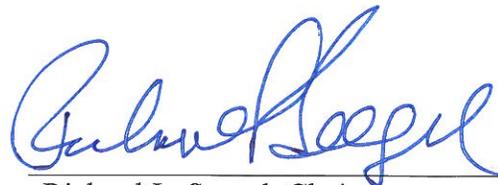
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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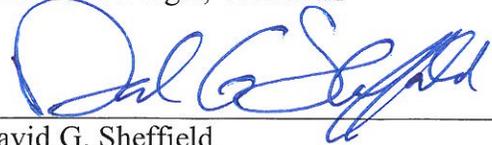
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



David G. Sheffield



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

PLOT PLAN
33 GLEN ROAD
WELLESLEY, MASSACHUSETTS

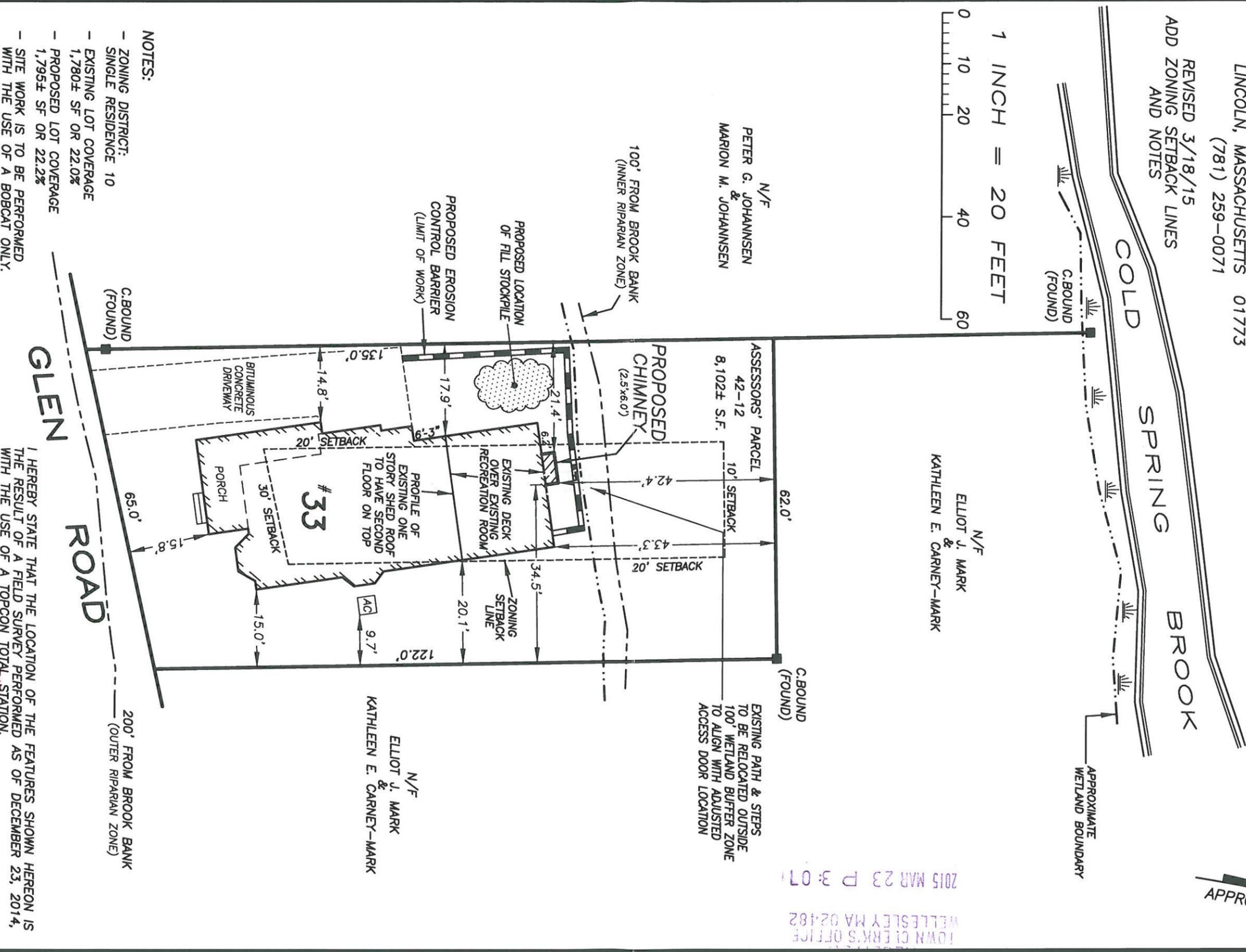
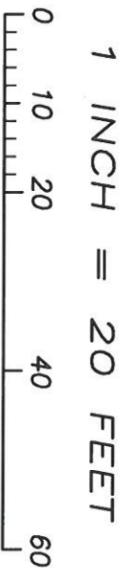
OWNERS OF RECORD:

MARK R. FRAGA
 &
 POLLY FRAGA
 CERT# 177161

1 INCH = 20 FEET MARCH 10, 2015

SNELLING & HAMEL ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS & ENGINEERS
 10 LEWIS STREET P.O. BOX 102
 LINCOLN, MASSACHUSETTS 01773
 (781) 259-0071

REVISED 3/18/15
 ADD ZONING SETBACK LINES
 AND NOTES



N/F
 ELLIOT J. MARK
 &
 KATHLEEN E. CARNY-MARK

N/F
 PETER G. JOHANNSEN
 &
 MARION M. JOHANNSEN

EXISTING PATH & STEPS
 TO BE RELOCATED OUTSIDE
 100' WETLAND BUFFER ZONE
 TO ALIGN WITH ADJUSTED
 ACCESS DOOR LOCATION

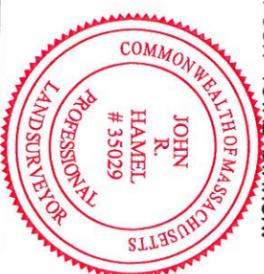
N/F
 ELLIOT J. MARK
 &
 KATHLEEN E. CARNY-MARK

- NOTES:
- ZONING DISTRICT: SINGLE RESIDENCE 10
 - EXISTING LOT COVERAGE 1,780± SF OR 22.0%
 - PROPOSED LOT COVERAGE 1,795± SF OR 22.2%
 - SITE WORK IS TO BE PERFORMED WITH THE USE OF A BOBCAT ONLY.

- PLAN REFERENCES:
- LAND COURT PLAN 1268-A
 - PLAN NUMBER 1102 OF 1964
 - PLAN NUMBER 1247 OF 1954

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF DECEMBER 23, 2014, WITH THE USE OF A TOPCON TOTAL STATION.

John R. Hamel
 JOHN R. HAMEL
 PROFESSIONAL
 LAND SURVEYOR



MARCH 18, 2015
 DATE:

15728.DWG
 TOWN CLERK'S OFFICE
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 2015 MAR 23 P 3:07