



ZONING BOARD OF APPEALS

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

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ZBA 2015-03
 Petition of Andrew Consigli
 37 Livermore Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 8, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of ANDREW CONSIGLI requesting a Special Permit/Finding, pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw, that modifications to a previously approved Special Permit, ZBA 2014-47, including extension of a third floor dormer, addition of a dormer, and change from double hung windows on side elevation with transom windows, on a 15,892 square foot lot in a district in which the minimum lot size is 20,000 square feet at 37 LIVERMORE ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 22, 2014, 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 John Burke, Esq. and Andrew Consigli, (the Petitioner). Mr. Burke submitted a Memorandum, dated January 8, 2015, to the Zoning Board of Appeals.

Mr. Burke said that the request is for modification of a prior special permit that was granted by the Board in June of 2014 to alter an existing structure. He said that the permit was filed with the Town Clerk and recorded at the Registry of Deeds. He said that when construction was begun differences in the field conditions were discovered. He said that there was an 18 inch variance on the ridge height of the building. He said that, in order to maintain the existing height of the building, there were some changes to the second floor roof line and some windows. He said that the original plans were prepared with an assumed height of the building. Mr. Consigli said that they were not able to do demolition before taking field dimensions. He said that when they were into construction they realized that the ridge height was 18 inches lower. He said that affected the ceiling height of the third floor bedrooms. He said that they had to make a few changes to the elevations with the lower ceiling height. Mr. Burke said that the height of the existing structure will be retained.

Mr. Burke said that modified plans were submitted with the current application. He said that there will be no modifications to any of the setbacks, no change to the height of the building, and no changes to the front elevation. He said that there is an addition of a small dormer window on the left elevation on the Franklin Street side. He said that there is a change in the dormer and the window configuration on the right elevation. He said that a double window will be changed to a triple transom window and there will be a slight change in the dormer configuration. He said that rooflines and windows will be changed on the rear elevation. He said that he did not think that this changes the nature of the relief that was

originally granted. He asked if the Board would consider this as a modification of the original special permit versus granting a new special permit. The Board confirmed that there will be no additional square footage.

Mr. Burke said that when the original decision was filed, he considered coming before the Board to request administrative relief rather than coming before the Board at a public hearing because the nature of the relief is essentially the same. He said that the timing would be the same as going to a public hearing, so they went with an application for a public hearing as a precaution. The Board said that the petition was advertised as a request for a special permit and it would be better for the applicant if there were any appeals for that portion of the relief. The Board said that it will not cause any more delay if it is treated as a special permit versus a major modification of a special permit because both are subject to filing after the public hearing and an appeal period.

The Board asked if the original design was to have the ridgelines match or was the addition slightly lower. Mr. Consigli said that it was to match.

The Board asked if Mr. Consigli discussed the plans with the neighbors. The Board said that it must be discouraging to them that it has taken so long to get the work done. Mr. Consigli said that a reason for that is that they had to redo all of the interior framing. He said that connecting the existing to the new structure was not working structurally. He said that they did not check with the neighbors this time because they thought that the proposed changes were minor. The Board said that it received one comment from a neighbor stating that he had not been consulted at any time during the design process. Mr. Consigli said that they did that when they received the first special permit.

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 37 Livermore Road, on a 15,892 square foot corner lot in a district in which the minimum lot size is 20,000 square feet, with a minimum front yard setback from Franklin Road of 22 feet and a minimum side yard setback of 16.9 feet.

The Petitioner is requesting that modifications to a previously approved Special Permit, ZBA 2014-47, including extension of a third floor dormer, addition of a dormer, and change from double hung windows on side elevation with transom windows, on a 15,892 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 5/13/14, revised 5/28/14, stamped by Joseph R. Sullivan, Professional Land Surveyor, Demolition Plans & Elevations, dated 7/31/14, Floor Plans & Roof Plans, dated 7/16/14, revised 9/12/14 & 12/15/14, Front & Rear Elevations, dated 9/12/14, revised 12/15/14, prepared by Consigli Development & Webb Structural Services, and photographs were submitted.

On January 7, 2015, the Planning Board reviewed the petition and recommended that the petition be granted.

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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 modifications to a previously approved Special Permit, ZBA 2014-47, including extension of a third floor dormer, addition of a dormer, and change from double hung windows on side elevation with transom windows, on a 15,892 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 modifications to a previously approved Special Permit, ZBA 2014-47, including extension of a third floor dormer, addition of a dormer, and change from double hung windows on side elevation with transom windows, on a 15,892 square foot lot in a district in which the minimum lot size is 20,000 square feet.

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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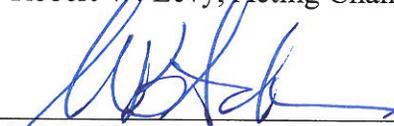
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37 Livermore Road

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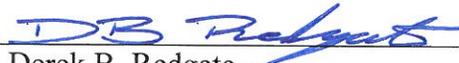
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Robert W. Levy, Acting Chairman



Walter B. Adams

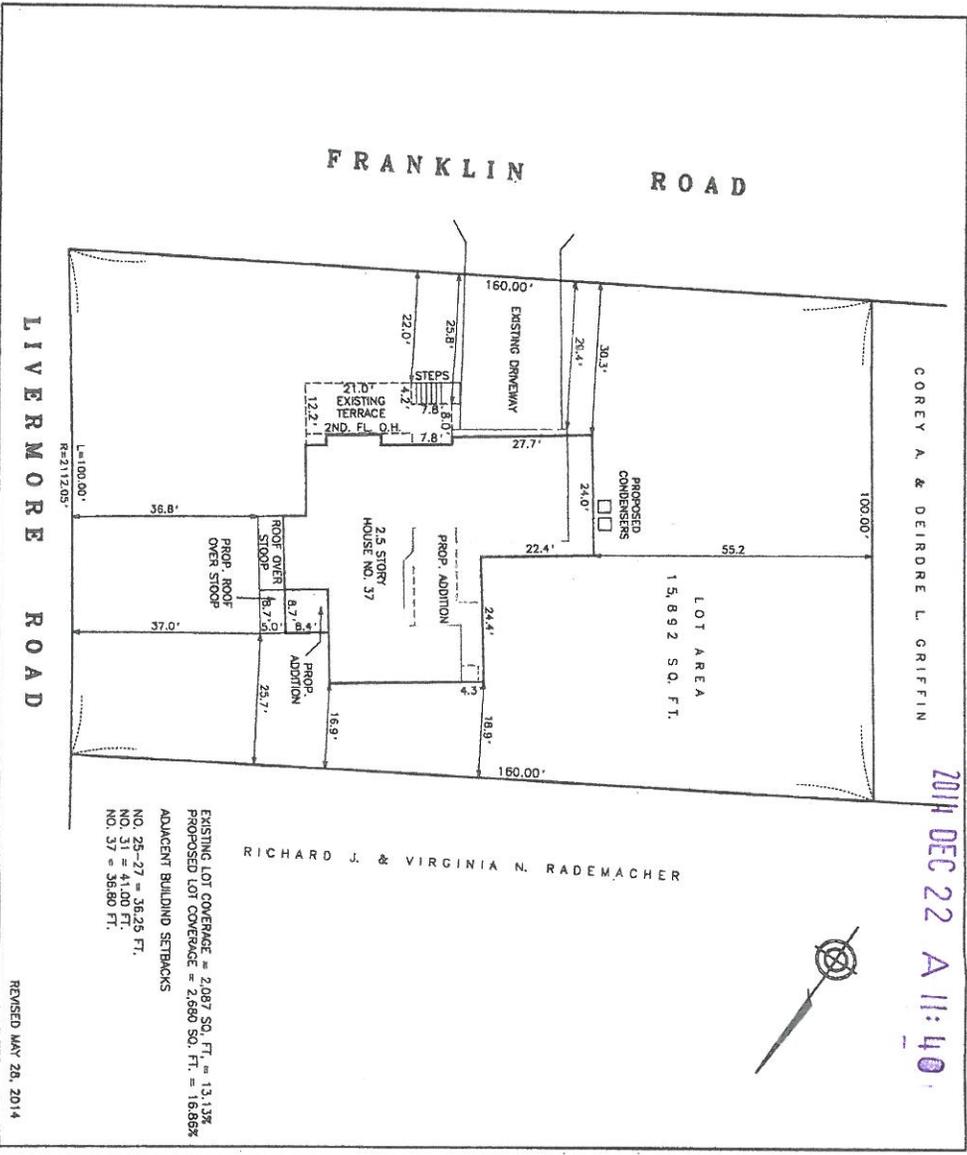


Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

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BOARD OF APPEALS PLAN
OF LAND IN
WELLESLEY, MASS.

OWNED BY : RICHARD S. KIRK

DEED REFERENCE : BOOK 29480, PAGE 488

NORFOLK REGISTRY OF DEEDS

ASSESSORS MAP REFERENCE MAP 66, LOT 43

ZONING CLASSIFICATION : SRD-20



JOSEPH R. SULLIVAN
REG. PROFESSIONAL LAND SURVEYOR

SCALE : 1" = 20' DATE : MAY 13, 2014

DRAWING NO. 15,969