



## ZONING BOARD OF APPEALS

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

RICHARD L. SEEDEL, CHAIRMAN  
 J. RANDOLPH BECKER, VICE CHAIRMAN  
 DAVID G. SHEFFIELD

LENORE R. MAHONEY  
 EXECUTIVE SECRETARY  
 TELEPHONE  
 (781) 431-1019 EXT. 2208  
 web: www.wellesleyma.gov

ROBERT W. LEVY  
 WALTER B. ADAMS  
 DEREK B. REDGATE

RECEIVED  
 ZONING BOARD OF APPEALS  
 TOWN OF WELLESLEY  
 JUL 23 P 3:41

ZBA 2015-59  
 Petition of Hope Scott  
 10 Kirkland Circle

---

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 9, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of HOPE SCOTT requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing screened porch and construction of an enclosed one-story structure on the same footprint, and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required front yard setbacks, on a 9,935 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 10 KIRKLAND CIRCLE, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 22, 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 David Himmelberger, Esq., and Stan Hargus, Principal, DNH Homes, LLC, current owner of 10 Kirkland Circle. Mr. Himmelberger said that when the application was submitted, the prior owner was Hope Scott, the Petitioner.

Mr. Himmelberger said that the request is for a special permit for a pre-existing nonconforming lot. He said that a plan was recorded at the Registry of Deeds. He said that the Town's Assessor and everyone else up until now said it was a 10,000 square foot lot. He said that it is a 9,935 square foot lot. He said that the lot was laid out in 1938 before the lot size requirement. He said that there had been some rounding up to get an even number.

The Board said that there is also an issue with the front yard setback. Mr. Himmelberger said that there was a question as to whether that might be considered to be di minimis at 29.9 feet instead of the requisite 30 feet.

Mr. Himmelberger said that proposal is to expand the rear of the building with an addition similar to what was done a few years ago at 8 Kirkland Circle. He said that was done with a special permit for a side yard setback. He said that the two-story colonial home will not change in design or appearance from the road except for enclosure of the porch on the left side. He said that the footprint will shrink by an inch or two on the plan. He said that the existing house is 28 feet high from average grade. He said that the building lot coverage will increase from 1,300 to 1,770 square feet, or 13.1 percent to 17.8 percent. He said that the TLAG will increase from 1,296 to 3,158 square feet.

Mr. Himmelberger said that the project will retain the character of the neighborhood and the existing structure. He said that the Applicant dropped off a full set of plans to the neighbors and spoke with a number of them. He said that there were no objections. He said that the request is for a special permit based on the finding that the proposed structure will not be substantially more detrimental to the neighborhood than the existing structure.

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 10 Kirkland Circle, on a 9,935 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 29.9 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing screened porch and construction of an enclosed one-story structure on the same footprint, and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required front yard setbacks, on a 9,935 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 5/16/15, stamped 6/12/15 by Stephen P. Desroche, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/17/15, prepared by Trabucco Design, and photographs were submitted.

On July 7, 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 demolition of an existing screened porch and construction of an enclosed one-story structure on the same footprint, and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required front yard setbacks, on a 9,935 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, 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 demolition of an existing screened porch and construction of an enclosed one-story structure on the same footprint, and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required front yard setbacks, on a 9,935 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.

FILED  
CLERK'S OFFICE  
WILLETSLEY MA 02182  
2015 JUL 23 P 3:41

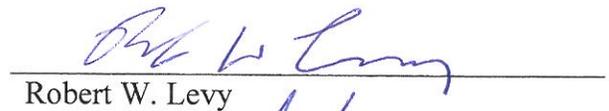
ZBA 2015-59  
Petition of Hope Scott  
10 Kirkland Circle

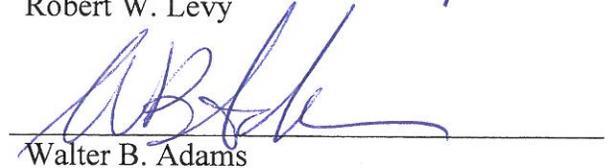
---

RECEIVED  
TOWN CLERK'S OFFICE  
WILLESTON, MA 02453  
2015 JUL 23 P 3:41

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

  
\_\_\_\_\_  
Robert W. Levy

  
\_\_\_\_\_  
Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
lrm

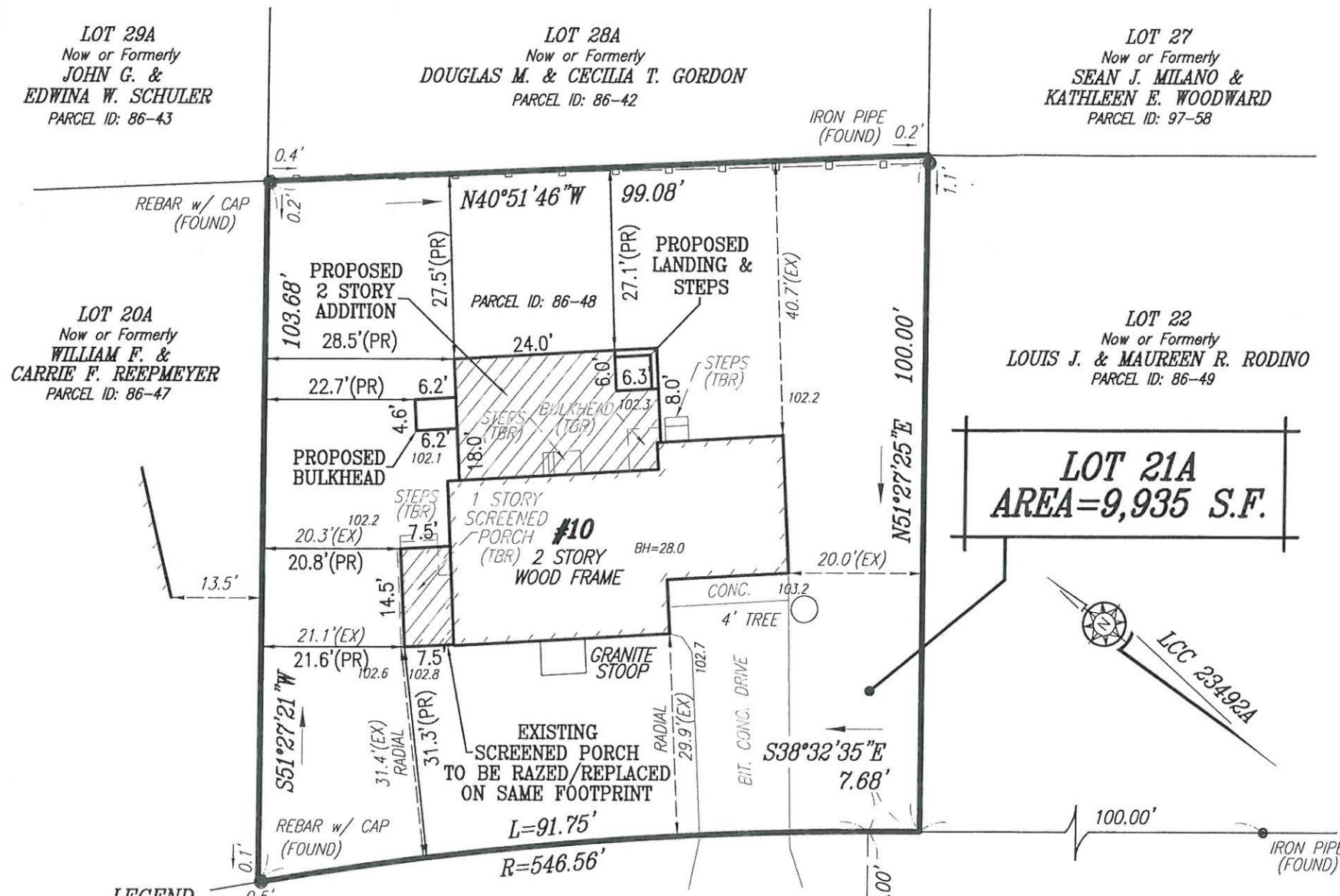
LOT 29A  
Now or Formerly  
JOHN G. &  
EDWINA W. SCHULER  
PARCEL ID: 86-43

LOT 28A  
Now or Formerly  
DOUGLAS M. & CECILIA T. GORDON  
PARCEL ID: 86-42

LOT 27  
Now or Formerly  
SEAN J. MILANO &  
KATHLEEN E. WOODWARD  
PARCEL ID: 97-58

LOT 20A  
Now or Formerly  
WILLIAM F. &  
CARRIE F. REEFMEYER  
PARCEL ID: 86-47

LOT 22  
Now or Formerly  
LOUIS J. & MAUREEN R. RODINO  
PARCEL ID: 86-49



- LEGEND**
- CB - CONCRETE BOUND
  - DH - DRILL HOLE
  - REC. - RECORD
  - MEAS. - MEASURED
  - BH - BUILDING HEIGHT ABOVE AVERAGE GRADE PLANE
  - PR - PROPOSED
  - EX - EXISTING
  - BIT. - BITUMINOUS
  - CONC. - CONCRETE
  - LCC - LAND COURT CASE
  - TBR - TO BE RAZED

**ZONE: SR10-SINGLE RESIDENCE**

FRONT SETBACK - 30 FEET  
SIDE SETBACK - 20 FEET  
REAR SETBACK - 10 FEET  
MIN. FRONTAGE - 60 FEET  
MIN. FRONT YARD WIDTH - 60 FEET

**KIRKLAND CIRCLE**  
(PUBLIC - 40' WIDE)

**AVERAGE GRADE PLANE**

$$102.7+102.8+102.6+102.2+102.1+102.3+102.2+103.2=820.1/8=102.5$$

ELEVATIONS REFER TO AN ASSUMED DATUM.

EXISTING LOT COVERAGE	PROPOSED LOT COVERAGE
1300± SQ. FT. (13.1%)	1825± SQ. FT. (18.4%)

EXISTING BUILDING SETBACKS ON KIRKLAND CIRCLE	
2 SHAW ROAD - 29.5'	22 KIRKLAND CIRCLE - 29.8'
4 LINDEN STREET - 31.5'	7 KIRKLAND CIRCLE - 25.4'
8 KIRKLAND CIRCLE - 32.5'	11 KIRKLAND CIRCLE - 31.3'
14 KIRKLAND CIRCLE - 31.3'	15 KIRKLAND CIRCLE - 30.5'
18 KIRKLAND CIRCLE - 30.1'	19 KIRKLAND CIRCLE - 34.3'

**REFERENCES:**

- NORFOLK COUNTY REGISTRY OF DEEDS
  - DEED BOOK 5771 - PAGE 232
  - DEED BOOK 8418 - PAGE 304
  - DEED BOOK 14873 - PAGE 141
  - DEED BOOK 27386 - PAGE 540
  - DEED BOOK 28521 - PAGE 316
  - DEED BOOK 29448 - PAGE 028
  - PLAN 695 OF 1938
- MASSACHUSETTS LAND COURT  
LCC 23492A

I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY, PLANS AND DEEDS OF RECORD.

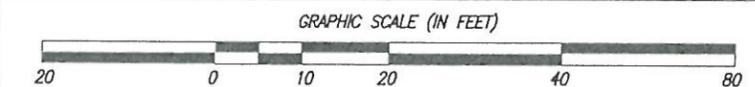
*Stephen P. DesRoche*  
STEPHEN P. DesROCHE, PLS (MA# 27899) DATE 5/12/15



**PLOT PLAN FOR PROPOSED ADDITIONS**  
**10 KIRKLAND CIRCLE**  
**WELLESLEY, MASSACHUSETTS**

**FRAMINGHAM SURVEY CONSULTANTS INC.**  
P.O. BOX 1190 FRAMINGHAM, MA 01701  
PH: 508-628-1444 FAX: 508-879-9292  
[WWW.FRAMINGHAMSURVEY.COM](http://WWW.FRAMINGHAMSURVEY.COM)

SCALE: 1"=20'	DRAWN BY: RDN	DWG: 517_15
DATE: MAY 16, 2015	CHECKED BY: SPD	JOB NO: 517_15



IN ASSOCIATION WITH NEPONSET VALLEY SURVEY ASSOCIATES, INC.

TOWN OF FRAMINGHAM  
 WELLESLEY, MA 02152  
 2015 JUN 22 P 3:33