



ZONING BOARD OF APPEALS

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

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ZBA 2015-65
 Petition of Gemma Mattia
 106 Edgemoor Avenue

2015 AUG 20 P 3:30
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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 6, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of GEMMA MATTIA requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII, and Section XXV of the Zoning Bylaw that removal of a portion of an existing nonconforming dwelling and construction of a porch with less than required front yard and right side yard setbacks, removal of an existing nonconforming porch and construction of a raised deck with less than required rear yard and right side yard setbacks, raising the height of the second story on an existing nonconforming structure with less than required front yard, rear yard and right side yard setbacks, and changing the roofline line on an existing nonconforming shed, on a 4,800 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 106 EDGEMOOR AVENUE, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Existing lot coverage is 28.8 percent and proposed lot coverage will be 28.7 percent.

On July 21, 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 Derek Brady and Gemma Mattia, the Petitioner.

Mr. Brady said that the request is for relief to renovate their house that is located on a lot that it less than 10,000 square feet. He said that they will not change the existing footprint of the house. He said that the house is in desperate need of renovation.

The Board asked if the entire house will be renovated. The Board said that the plot plan describes a proposed deck and a small landing. Mr. Brady said that they will be renovating the whole house. He said that the proposed deck will replace an enclosed area.

The Board asked if the plans were shared with any of the neighbors. Mr. Brady said that they shared the plans with all of the neighbors. He said that the neighbors were enthusiastic. He said that the house is in rough shape.

The Board said that the nonconformities are lot size, front yard, right side yard and rear yard setbacks. Mr. Brady said that it is an existing footprint that they are not asking to change. He said that the wooded lot of land to one side of the house is owned by the town. He said that a neighbor told him that the previous owner did not want to pay taxes on the lot and conceded it to the town.

The Chairman read the Planning Board recommendation. Michael Zehner, Planning Director, said that the recommendation should have been for additional windows on the right side, not the left side. The Board said that windows help to reduce the mass. The Board said that there could be an issue with kitchen cabinets. The Board said that there is a stair to the second floor. The Board said that there may be potential to add windows in the master bedroom.

The Board discussed adding a condition for additional windows on the right side of the house. The Board said that there is no requirement for windows in the Zoning Bylaw. The Board said that windows help to reduce massing and that it has to make a determination that the proposed structure will not be substantially more detrimental.

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 106 Edgemoor Avenue, on a 4,800 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum front yard setback of 17.3 feet, a minimum rear yard setback of 7.7 feet, and a minimum right side yard setback of 5.7 feet. The existing shed has less than required left side yard and rear yard setbacks.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV that construction of a deck that will meet all setback requirements, construction of a two-story addition and construction of a second story dormer with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 9,595 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 5/20/15, stamped by Joyce E. Hastings, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/11/15, prepared by Pegasus Design to Build, photographs and proposed renderings were submitted.

On August 5, 2015, the Planning Board reviewed the petition and recommended that the Zoning Board of Appeals grant the special permit, subject to a condition.

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.

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It is the opinion of this Authority that although removal of a portion of an existing nonconforming dwelling and construction of a porch with less than required front yard and right side yard setbacks, removal of an existing nonconforming porch and construction of a raised deck with less than required rear yard and right side yard setbacks, raising the height of the second story on an existing nonconforming structure with less than required front yard, rear yard and right side yard setbacks, and changing the roofline line on an existing nonconforming shed, on a 4,800 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Existing lot coverage is 28.8 percent and proposed lot coverage will be 28.7 percent.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for removal of a portion of an existing nonconforming dwelling and construction of a porch with less than required front yard and right side yard setbacks, removal of an existing nonconforming porch and construction of a raised deck with less than required rear yard and right side yard setbacks, raising the height of the second story on an existing nonconforming structure with less than required front yard, rear yard and right side yard setbacks, and changing the roofline line on an existing nonconforming shed, subject to the following condition:

- The addition of one or more windows is allowed on the right side, pursuant to the recommendation of the Planning Board, if the layout of the floor plan permits it.

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.

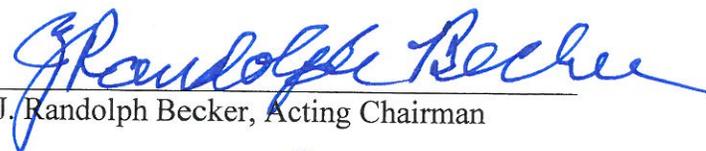
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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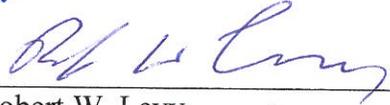
ZBA 2015-65
Petition of Gemma Mattia
106 Edgemoor Avenue

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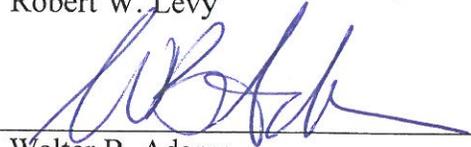
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



J. Randolph Becker, Acting Chairman



Robert W. Levy

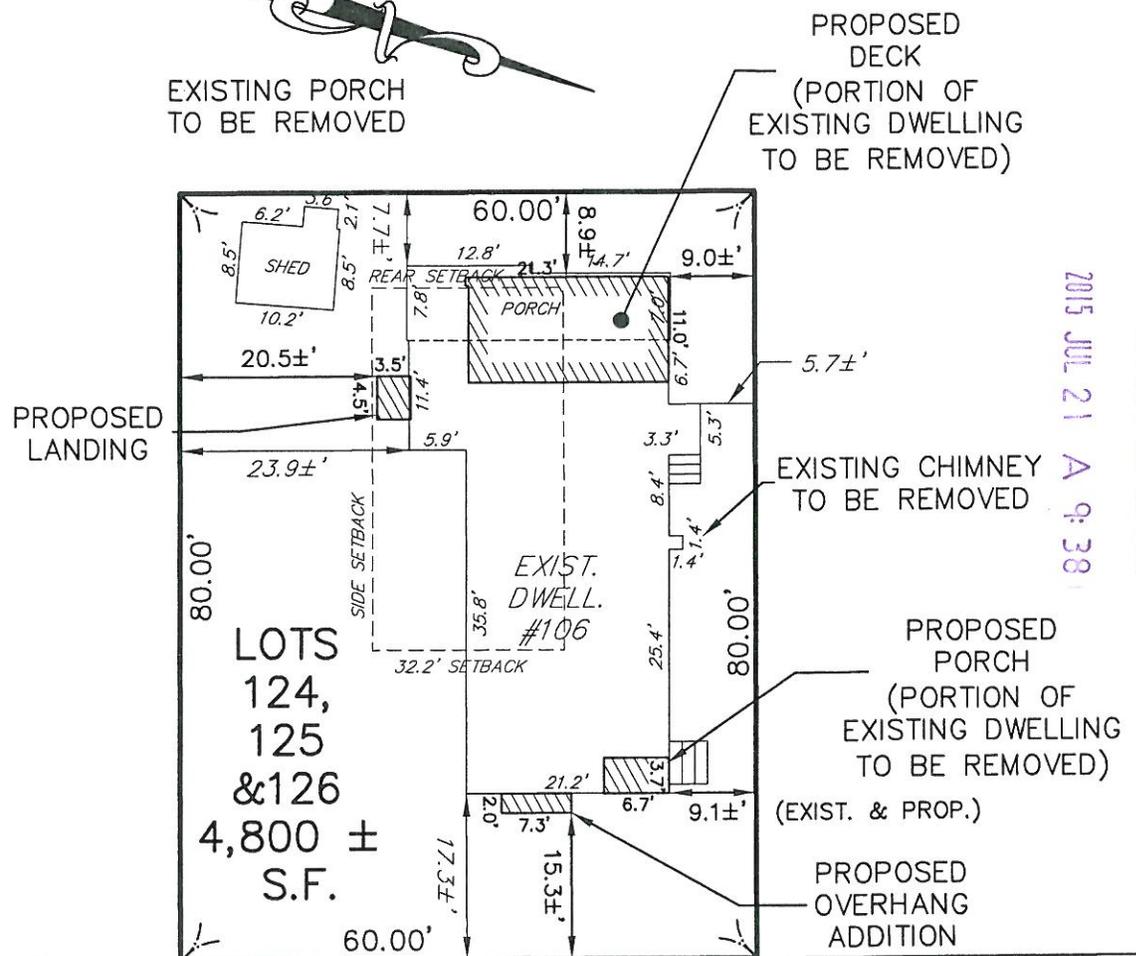


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

PLAN VIEW

SCALE: 1"=20'



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EDGE MOOR AVE.

LOT COVERAGE

EXISTING = 1,384.4± S.F. (28.8%)
 PROPOSED = 1,380.5± S.F. (28.7%)

ZONING CLASSIFICATION:
 SR-10 SINGLE RESIDENCE
 MIN. LOT SIZE = 10,000 S.F.
 MIN. FRONTAGE = 60'
 MIN. LOT WIDTH = 60'

MIN. SETBACK REQUIREMENTS:
 FRONT SET BACKS = 30' (32.2' #102 EDGE MOOR AVE)
 SIDE SETBACKS = 20'
 REAR SETBACKS = 10'

I certify that the building on this property is located as shown



GLM Engineering Consultants, Inc.
 19 EXCHANGE STREET
 HOLLISTON, MA 01746
 P: 508-429-1100
 www.GLMengineering.com

**PROPOSED
 ADDITION PLAN**
 106 EDGE MOOR AVE.
 WELLESLEY, MA
 MAY 20, 2015
 JOB #15,421