



ZONING BOARD OF APPEALS

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

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ZBA 2015-08

Petition of Annie Oh & Michael Perlman

29 Summit Road

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 2015 JAN 22 P 2:50

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 ANNIE OH & MICHAEL PERLMAN requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing nonconforming first floor porch with less than required right side yard setbacks, at 29 SUMMIT ROAD, in a 10,000 square foot Single Residence District and a Water Supply Protection District, 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 was Adam Hostetter, General Contractor, representing Annie Oh and Michael Perlman, (the Petitioner). He said that the request is to enclose below an existing second floor sleeping porch. He said that there is currently an open porch off of the first floor. He said that the foundation is failing. He said that it does not have frost protection. He said that the homeowners are hoping to make the house more structurally sound. He said that the main house has an old foundation that is separate from this slab. He said that they have water issues in the basement that they have tried to mitigate with sump pumps. He said that every time that they have tried to mitigate it, they have failed. He said that the plan is to move the laundry out of the basement to the enclosed space on the new foundation.

The Board asked if they had spoken to the neighbors. Mr. Hostetter said that he believes that the homeowners did. The Board said that it is good to get some documentation of that. The Board said that the neighbors did receive notice of the public hearing.

A Board member said that the design is nice and will improve the vision of the house. He said that the property to the immediate right has a garage closest to that area. Mr. Hostetter said that the footprint will not change.

A Board member said that the plot appears to be dated 11/24/17. Another Board member said that it is typed in on the left side of the plan as Nov 24, 2014.

Richard Maccini, 27 Summit Road, said that he was not consulted. He said that he is the abutter with the adjoining driveway. The Board said that it does recommend that applicants discuss their plans with their

neighbors but it is not a requirement. Mr. Maccini said that he wanted to be sure that the structure would not be expanded. The Board said that the proposal is to in fill an open area. The Board said that the area will be enclosed and become part of the interior of the house.

The Board said that notice of the hearing was sent out and Mr. Maccini could have looked at the plans.

The Board asked about use of the new room. Mr. Hostetter said that it will be used as a laundry/mudroom.

Mr. Hostetter said that he anticipates starting the project in a couple of months. He said that it should be a five week project.

Ethan Parsons, Assistant Planning Director, representing the Planning Board, said that because there will be no increase in the existing nonconforming footprint or additional nonconformities or alterations resulting in intensification of existing nonconformities, the changes will not be substantially more detrimental to the neighborhood.

The Board asked about the special permit that was granted in 2003. Mr. Hostetter said that was to add a family room off of the back on the opposite side of the house. He said that the left side yard setback is nonconforming at 11 feet.

The Board confirmed that the area to be enclosed was original to the house. Mr. Hostetter said that they were not able to find any building permits to show that it was added. He said that it looks to be original to the house.

Statement of Facts

The subject property is located at 29 Summit Road, in a 10,000 square foot Single Residence District and a Water Supply Protection District, with a minimum right side yard setback of 16.7 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing nonconforming first floor porch with less than required right side yard setbacks, in a 10,000 square foot Single Residence District and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 11/24/14, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans, dated 8/5/14, Elevation Drawings, dated 12/15/14, prepared by Daniel H. Reynolds Design Collaborative LLC, 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 enclosure of an existing nonconforming first floor porch with less than required right side yard setbacks, in a 10,000 square foot Single Residence District and a Water Supply Protection District, 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 enclosure of an existing nonconforming first floor porch with less than required right side yard setbacks.

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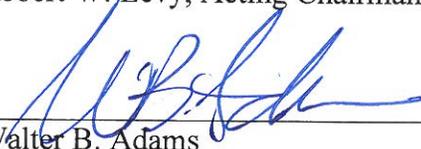
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Robert W. Levy, Acting Chairman



Walter B. Adams



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

SECTION 5 - ZONING COMPLIANCE / CERTIFIED PLOT PLAN

5.1 Certified Plot Plan



STRUCTURES 1582 S.F.
 LOT COVERAGE 13.2%
 SCALE: 1 IN. = 40 FT.
 DATE: NOV 24, 2014
 DRAWN: JF
 CHECK: BB
 PROJECT NO. 24557

ESTABLISHED 1916
EMB
 EVERETT M. BROOKS CO.
 SURVEYORS & ENGINEERS
 49 LEXINGTON STREET
 WEST NEWTON, MA 02465
 (617) 527-8750
 (617) 332-1578 FAX
 info@everettbrooks.com



NOTE: By sealing / stamping this plot plan, the Registered Land Surveyor certifies that the proposed construction is in accordance with the Town of Wellesley Zoning By-Laws.

Bruce Bradford
 Land Surveyor Signature
 Date: 11/24/17
 Address: NEWTON MA
 Telephone: 6175278750

FOR ALL BUILDINGS ON THE PROPERTY

5.2 Lot Area / Coverage

Lot Area (SF) _____
 Proposed Lot Coverage (SF) _____
 Proposed Lot Coverage (%) _____

FOR THE BUILDING TO BE CONSTRUCTED OR ALTERED UNDER THIS PERMIT

5.3 Building Height & Area

Footprint New Construction (SF) _____
 Proposed Total Footprint (SF) _____
 Height of Building (FT) _____

5.4 Living Area

Gross SF _____
 Finished _____
 Unfinished _____

5.5 Rooms

Total # Rooms _____
 # Bedrooms _____
 # Full Bathrooms _____
 # Half Bathrooms _____

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