TOWN OF WELLESLEY MASSACHUSETTS

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ZONING BOARD OF APPEALS

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

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ZBA 99-92
Petition of Veronica and Giovanni Castellucci
29 Abbott Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 18, 1999, at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of VERONICA AND GIOVANNI CASTELLUCCI requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a 7 foot 4 inch by 10 foot 8 inch deck with less than the required front setback from CAROLINE STREET, at their nonconforming dwelling with less than the required front setback from CAROLINE STREET, at 29 ABBOTT ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 1, 1999, the petitioners 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 David Murtough of the architectural firm of Christopher Hall, representing the petitioners. Mr. Murtough said that upon request for a building permit for an addition within the required setbacks, it was discovered that the small deck and stair violated the front yard setback from Caroline Street. At that time, the deck and stair were deleted from the building permit application in order to proceed with the work. The petition is now before the Board. The deck is actually smaller than described because the corners have been clipped on a diagonal rather than square.

The Board noted that the Planning Board had recommended that if the Board allowed the deck, it should remain open and uncovered. The Board agreed with the recommendation of the Planning Board.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 29 Abbott Road, in a Single Residence District, on an 8,657 square foot lot and has a minimum front setback of 19.5 feet from Caroline Street.

The petitioners are requesting a Special Permit/Finding that the construction of a 10 foot 8 inch by 7 foot 4 inch deck, with a minimum front yard setback of 23 feet from Caroline Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated October 27, 1999, drawn by George N. Giunta, Registered Land Surveyor; Floor Plan and Elevations dated 10/25/99, drawn by Christopher Hall, Architect; and photographs were submitted.

On November 3, 1999, the Planning Board reviewed the petition and recommended that, if given favorable consideration, the proposed deck should remain open and uncovered.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the construction of the proposed deck shall not be substantially more detrimental to the neighborhood as it will neither intensify the existing nonconformance, nor will it create new nonconformity as the deck will have a front yard setback of 23 feet from Caroline Street, while the existing nonconforming structure has a front setback of 19.5 feet from Caroline Street.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the proposed deck subject to building in accordance with the submitted plot plan and construction drawings and further subject to the following condition:

1. The 10 foot 8 inch by 7 foot 4 inch deck allowed by grant of this Special Permit shall remain open and uncovered throughout its existence.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

Kendall P. Bates
Kendall P. Bates, Chairman

William E. Polletta
William E. Polletta

Richard L. Seegel
Richard L. Seegel

Cc: Planning Board
Inspector of Buildings
edg

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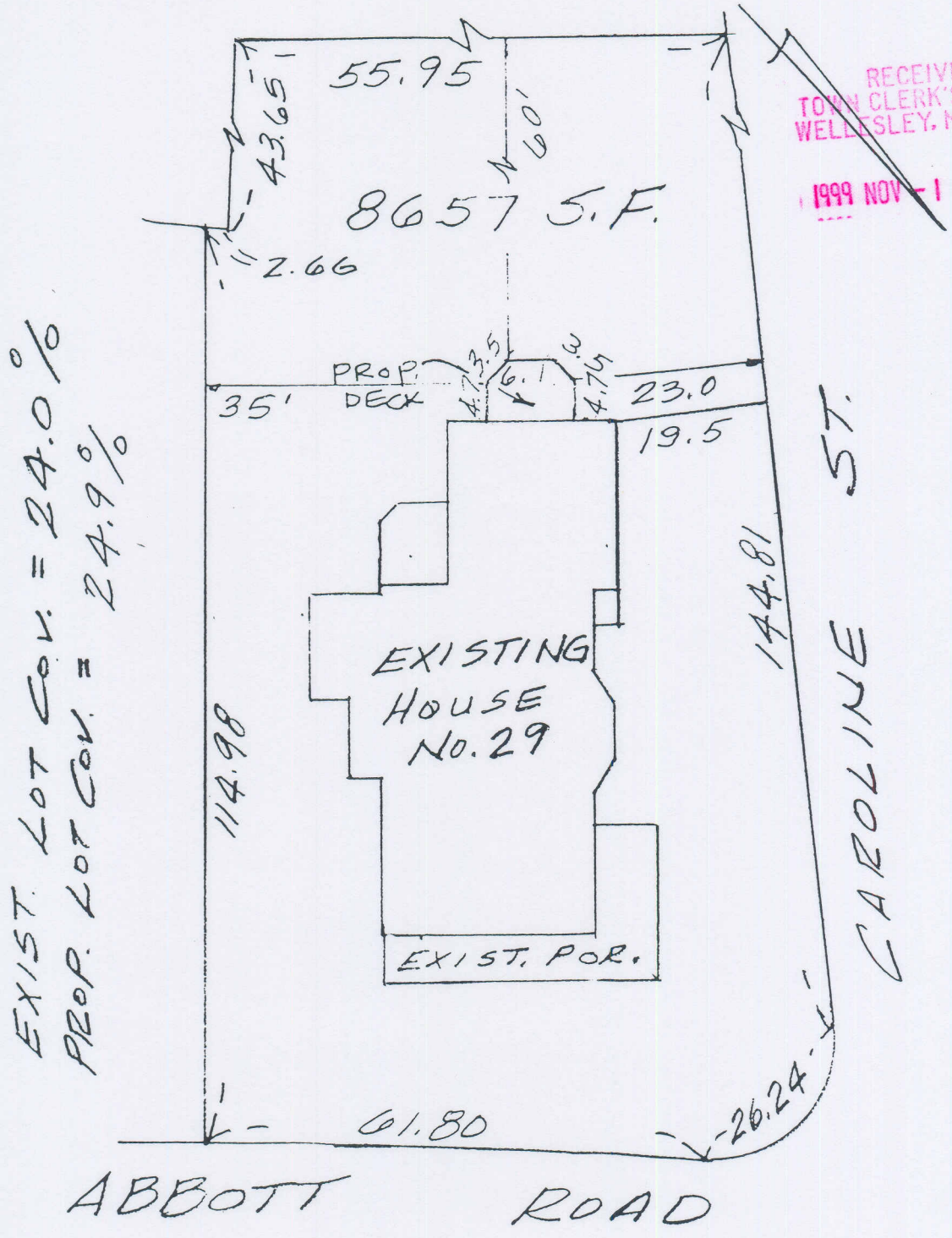

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PLOT PLAN OF LAND

WELLESLEY----------MASS.

Oct. 27, 1999 SCALE 1" = 20'

NEEDHAM SURVEY ASSOCIATES, INC.
281 CHESTNUT ST.
NEEDHAM, MA. 024924

COMMONWEALTH OF MASSACHUSETTS
GEORGE N. GRANT
No. 27011
REGISTERED LAND SURVEYOR

OWNER: GIOVANNI CASTELLUCCI