



## ZONING BOARD OF APPEALS

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ZBA 2014-73  
 Petition of Phyllis & Marc Theerman  
 13 Aberdeen Road

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2014 SEP 18 P 3  
 RECEIVED  
 ZONING BOARD OF APPEALS

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 4, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of PHYLLIS & MARC THEERMANN requesting a Special Permit/Finding pursuant to the provisions of, Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing entryway, construction of a one-story addition and construction of a deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 9,870 square foot lot in a Flood Plain or Watershed Protection District and a Single Residence District in which the minimum lot size is 10,000 square feet, at 13 ABERDEEN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Petitioner is requesting a Special Permit pursuant to the provisions of Section XIVB and Section XXV of the Zoning Bylaw for construction in a Flood Plain or Watershed Protection District.

On August 18, 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 Phyllis Theerman, (the "Petitioner") and Mark Iococca, Architect. Ms. Theerman said that the proposal is for a small addition to the home.

Mr. Iococca said that the request is for a Special Permit for an addition to an existing nonconforming structure. He said that addition will pass the flood plain boundary.

Mr. Iococca said that it will be a 375 square foot one-story addition.

The Board said that, according to the plot plan, part of the addition is in Flood Zone C and part of it is in Flood Zone A. The Board said that all of the proposed deck is in Flood Zone A. The Board said that there is a 100 foot Wetlands Buffer and a 100 foot Riverfront Area shown on the plot plan. The Board said that it seems that the 100 foot Wetlands line is substantially greater than 100 feet from the bordering vegetated wetlands. Mr. Iococca said that the Civil Engineer put together the plan. The Board said that it wanted to be sure that the plot plan is accurate.

The Board asked if Mr. Iococca had reviewed the Order of Conditions. Mr. Iococca said that he was made aware of the issue that affects the design. He said that the trade off was a full basement versus a crawl space. He said that the guidance from the Wetlands Protection Committee (WPC) was to remove

the basement and do a crawl space. The Board said that no one can put a shovel in the ground without fully complying with the Order of Conditions.

The Board said that a proposed addition is shown on the plot plan. The Board questioned whether the entryway is also an addition. The Board said that it will be in-filled at the corner. The Board said that it is not indicated on the plot plan that that is part of a proposed addition. The Board said that because the porch is being enclosed, it should be considered to be a new addition to the house. The Board said that should be indicated on a revised plot plan with an arrow to the proposed addition. The Board said that the enclosed portion of the entry will be 9.4 feet from the side lot line.

The Board confirmed that the addition was not shifted to the north because of an entrance to the existing basement and encroachment onto the existing driveway. Mr. Iacocca said that they wanted to preserve the existing entrance to the basement and there is also a window in the kitchen with a view to the river.

The Board asked if the Petitioner has spoken with the neighbors about the project. Ms. Theerman said that she had. She said that both of the neighbors said that they would write a letter of support to the Board. The Board said that it received a letter of support from the neighbors at 5 Aberdeen Road.

Mr. Iacocca discussed the flood plain elevations. He said that they took the average of the two adjacent streets to get the elevation. He said that the entry level floor plan which the addition will be level to is 127 feet. He said that is five feet above the 100-year flood line.

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 13 Aberdeen Road, on a 9,870 square foot lot in a Flood Plain or Watershed Protection District and a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 28.8 feet, a minimum left side yard setback of 13.4 feet, and a minimum right side yard setback of 9.4 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of, Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing entryway, construction of a one-story addition and construction of a deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 9,870 square foot lot in a Flood Plain or Watershed Protection District and 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. The Petitioner is requesting a Special Permit pursuant to the provisions of Section XIVB and Section XXV of the Zoning Bylaw for construction in a Flood Plain or Watershed Protection District.

A Plot Plan, dated 1/16/14, stamped by Clifford E. Rober, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 7/1/14, prepared by Off Grid Shelters, LLC, and photographs were submitted.

On May 19, 2014, the Wetlands Protection Committee issued an Order of Conditions, MA DEP #324-0738.

On September 3, 2014, 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 although enclosure of an existing entryway, construction of a one-story addition and construction of a deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 9,870 square foot lot in a Flood Plain or Watershed Protection District and a Single Residence District in which the minimum lot size is 10,000 square feet is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, and that it shall make adequate provision for the protection, preservation and maintenance of the water table and water recharge areas; the preservation of the natural river channel plus sufficient width of overbank areas for the passage of flood flows; the retention of existing floodwater storage capacity; the design of proposed construction in a manner which ensures anchoring to prevent flotation, collapse and/or excessive movement of structures; and the design of public utilities including sewer, water, gas and electrical systems in a manner which will minimize or eliminate flood damage.

Therefore, a Special Permit is granted for enclosure of an existing entryway, construction of a one-story addition and construction of a deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 9,870 square foot lot in a Flood Plain or Watershed Protection District and a Single Residence District in which the minimum lot size is 10,000 square feet, subject to the following conditions:

1. A revised plot plan shall be submitted that shows the dimension from the side lot line to the corner of the enclosed entryway.
2. All provisions of the Order of Conditions shall be incorporated into this decision.

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.

2014 SEP 18 10 3 08  
PLANNING BOARD  
CITY OF ABERDEEN, MA

ZBA 2014-73  
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13 Aberdeen Road

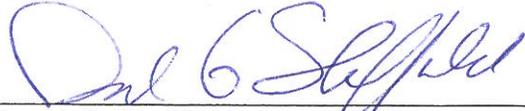
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2014 SEP 18 P 3 08

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.



Richard L. Seegel, Chairman



David G. Sheffield



Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
lrm

